## IN THE UNITED STATES DISTRICT COURT
## FOR THE WESTERN DISTRICT OF TEXAS

| | |
|---|---|
| CADDO SYSTEMS, INC. and 511 TECHNOLOGIES, INC.,<br><br>**Plaintiffs,**<br><br>v.<br><br>NXP SEMICONDUCTORS N.V., NXP B.V., and NXP USA, INC.,<br>**Defendants.** | **Civil Action No. 6:20-cv-244**<br><br><br>**DEMAND FOR JURY TRIAL** |

## COMPLAINT FOR PATENT INFRINGEMENT

In this action for patent infringement Plaintiffs Caddo Systems, Inc. and 511 Technologies, Inc.("Plaintiffs") hereby make the following allegations against Defendants NXP Semiconductors N.V., NXP B.V., and NXP USA, Inc. ("Defendants" or "NXP"):

## NATURE OF THE ACTION

1.     This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*.

## THE PARTIES

2.     Plaintiff Caddo Systems, Inc. ("Caddo") is a Texas corporation with its principal place of business in the 511 Technology Center at 511 N. Washington Avenue, Marshall, Texas 75670.

3.     Plaintiff 511 Technologies, Inc. ("511 Tech") is a Texas corporation with its principal place of business at 511 N. Washington Avenue, Marshall, Texas 75670.  Since 2010, 511 Tech has operated the 511 Technology Center, including the provision of invention, patent

and product development support services in diverse fields including color measurement, flash storage devices, communication protocols, electronic circuitry, software development, energy storage and control, cloud-connected industrial and consumer products, medical diagnostic device, and art instruction from its headquarters in the former Coca-Cola bottling plant located in the Ginocchi Historic District in Marshall, Texas.

4.      In collaboration with 511 Tech and others working in the 511 Technology Center, Caddo researches, designs, and develops information systems, including systems based on the Asserted Patents.  The Caddo and 511 Tech collaboration includes software products based on inventions described and claimed in the Asserted Patents.

5.      Caddo is the owner by assignment of 100% interest in the Asserted Patents.  511 Tech has the exclusive license to practice and develop the inventions of the Asserted Patents.

6.      Caddo is the owner by assignment of 100% interest in the Asserted Patents.  511 Tech has the exclusive license to practice and develop the inventions of the Asserted Patents.

7.      On information and belief, NXP N.V. is a public limited liability company organized and existing under the laws of The Netherlands, and has a place of business at High Tech Campus 60, 5656 AG Eindhoven, The Netherlands.

8.      On information and belief, NXP B.V. is a private company with limited liability organized and existing under the laws of The Netherlands, and NXP B.V. has a place of business at High Tech Campus 60, 5656 AG Eindhoven, The Netherlands.

9.      On information and belief, NXP USA, Inc. is a corporation organized and existing under the laws of the state of Delaware that has its principal place of business at 6501 William Cannon Drive West, Austin, TX 78735.  On information and belief, Corporation Service Company d/b/a CSC Lawyers Inc., located at 211 E. 7th Street, Suite 620, Austin, Texas 78701,

is a registered agent for service for NXP USA, Inc. On information and belief, NXP USA, Inc. is a wholly owned subsidiary of NXP B.V. and is controlled by and/or acts as an agent of NXP B.V.

10.     On information and belief, Defendants design, develop, manufacture, sell, offer to sell, and/or imports products, devices, systems, and/or components of systems through certain accused instrumentalities (as discussed further below) that either infringe or support the infringement of the patents asserted in this action.

## JURISDICTION AND VENUE

11.     This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

12.     This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

13.     This Court has personal jurisdiction over NXP because those companies have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within the Western District of Texas.  For example, NXP has a principle place of business at 3501 Ed Bluestein Blvd Austin, TX. 78721.  Personal jurisdiction also exists specifically over NXP because NXP, directly or through subsidiaries or intermediaries, make, use, offer for sale, or sell products or services within the State of Texas and within the Western District of Texas through infringing instrumentalities that directly or indirectly infringe the Asserted Patents (as discussed further below).

14.     On information and belief, NXP sells and offers to sell products and services throughout the United States, including in this District, through the infringing instrumentalities, through major electronics retailers in North America, and in concert and partnership with third parties who sell microcontrollers ("MCUs"), processors, integrated circuits ("ICs"), wireless and Bluetooth products, and the like.

15.     On information and belief, NXP conducts a significant amount of business in Texas and this District through online sales and advertisements directly to consumers and businesses, through product sales by NXP's distributors and resellers, and in concert and partnership with third parties via the infringing instrumentalities.

16.     Furthermore, personal jurisdiction over NXP in this action comports with due process.  NXP has conducted and regularly conducts business within the United States and this District.  NXP has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Texas and this District.  NXP has sought protection and benefit from the laws of the State of Texas by making available products and services through the infringing instrumentalities that infringe the Asserted Patents with the awareness and/or intent that they will be used (or visited) by consumers in this District.  Having purposefully availed itself of the privilege of conducting business within this District, NXP should reasonably and fairly anticipate being brought into court here.

17.     Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because NXP Semiconductors N.V. and NXP B.V. are foreign corporations and are subject to personal jurisdiction in this district and/or have regularly conducted business in this District, and because certain of the acts complained of herein occurred in this District.  Additionally, NXP Semiconductors N.V. and NXP B.V.—directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents—ship, distribute, offer for sale, and/or sell their products and services in the United States and this District.  They have purposefully and voluntarily placed one or more of their products into the stream of commerce through the infringing instrumentalities that infringe the Asserted Patents with the awareness and/or intent that they will be purchased by consumers and businesses in this District.  NXP

Semiconductors N.V. and NXP B.V. knowingly and purposefully make available the infringing instrumentalities within this District. These infringing instrumentalities have been, and continue to be, used or purchased by consumers and businesses in this District.

## THE ASSERTED PATENTS

18.     On March 13, 2007, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 7,191,411 ("the '411 Patent"), entitled "Active Path Menu Navigation System."  A copy of the '411 Patent is attached hereto as Exhibit 1.

19.     Plaintiffs own all substantial right, title, and interest in the '411 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

20.     On May 8, 2007, the USPTO duly and legally issued U.S. Patent No. 7,216,301 ("the '301 Patent"), entitled "Active Path Menu Navigation System." A copy of the '301 Patent is attached hereto as Exhibit 2.

21.     Plaintiffs own all substantial right, title, and interest in the '301 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

22.     On December 29, 2009, the USPTO duly and legally issued U.S. Patent No. 7,640,517 ("the '517 Patent"), entitled "Active Path Menu Navigation System."  A copy of the '517 Patent is attached hereto as Exhibit 3.

23.     Plaintiffs own all substantial right, title, and interest in the '517 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

24.     On May 25, 2010, the USPTO duly and legally issued U.S. Patent No. 7,725,836 ("the '836 Patent"), entitled "Active Path Menu Navigation System."  A copy of the '836 Patent is attached hereto as Exhibit 4.

25.     Plaintiffs own all substantial right, title, and interest in the '836 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

26.     On January 8, 2013, the USPTO duly and legally issued U.S. Patent No. 8,352,880 ("the '880 Patent"), entitled "Active Path Menu Navigation System."  A copy of the '880 Patent is attached hereto as Exhibit 5.

27.     Plaintiffs own all substantial right, title, and interest in the '880 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

28.     On July 31, 2018, the USPTO duly and legally issued U.S. Patent No. 10,037,127 ("the '127 Patent"), entitled "Active Path Menu Navigation System."  A copy of the '127 Patent is attached hereto as Exhibit 6.
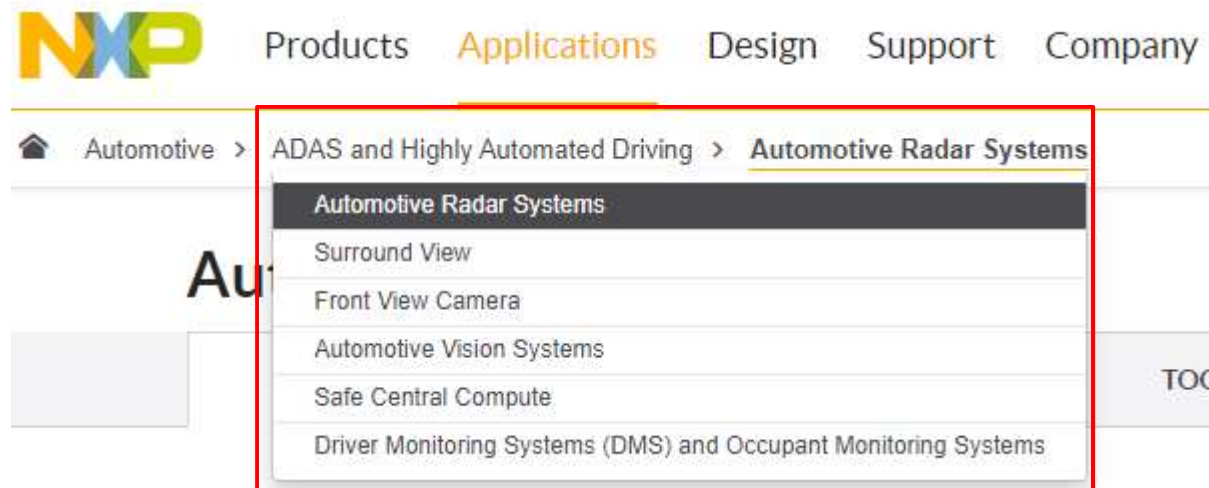
## COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,191,411

29.     Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

30.     The '411 Patent is directed to systems and methods for navigating within a multi-level hierarchical collapsing menu structure, as described and claimed in the '411 Patent.

31.     Defendants have and continue to directly infringe at least Claims 1-4 of the '411 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via https://www.nxp.com/ and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or

served to browsers; (iii) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "'411 Accused Instrumentalities") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

32.  By way of example, the '411 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '411 Accused Instrumentalities provide a method for navigating a multi-level hierarchical collapsing menu structure that includes a multi-level hierarchy where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., "ADAS and Highly Automated Driving," which includes "Automotive Radar Systems," "Surround View," "Front

View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems")) as shown below:
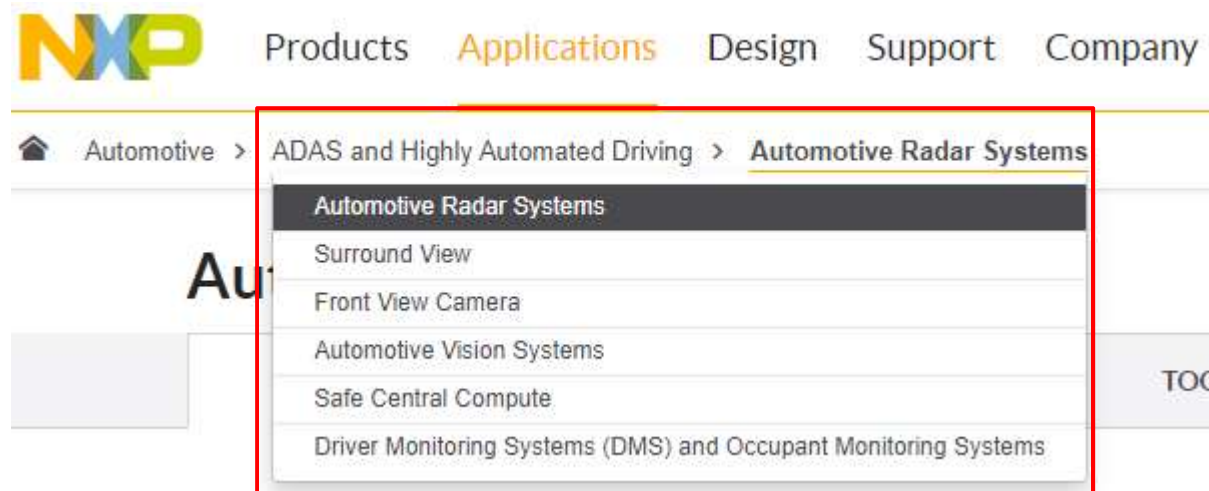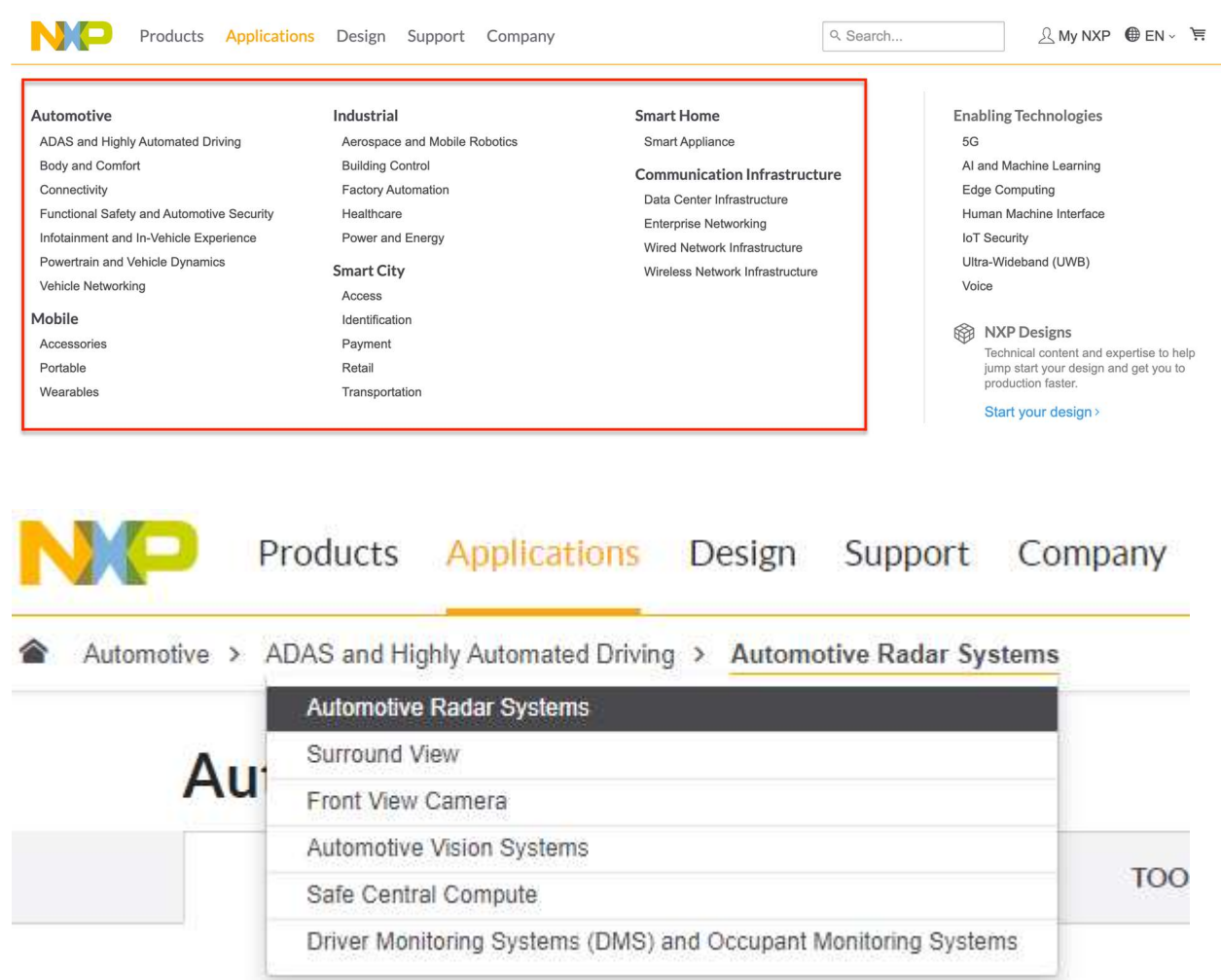


*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

33. More specifically, the '411 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof (e.g., "Automotive," which includes "ADAS and Highly Automated Driving," which includes "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems"), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access "Automotive Radar Systems," "ADAS and Highly Automated Driving" is accessed first; as another example, to access "ADAS and Highly Automated Driving," "Automotive" is accessed first); automatically constructing an Active Path as a sequence of hierarchical active links as items are selected using the graphical user menu system without the need for any additional interaction with the graphical user system (e.g., the '411 Accused Instrumentalities automatically construct an active path (e.g.,

"Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of hierarchical active links as items are selected (e.g., as "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems" are selected)), with one said active link corresponding to each of the items selected (e.g., the '411 Accused Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" corresponds to each of the items selected, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

34.     Also, each active link in the '411 Accused Instrumentalities is independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using said graphical user menu system (e.g., in the example above, the active link "ADAS and Highly Automated Driving" is independently selectable to thereby providing direct access to the hierarchical level from which "ADAS and Highly Automated Driving " was selected, without the need to navigate using Defendants' graphical user menu system).
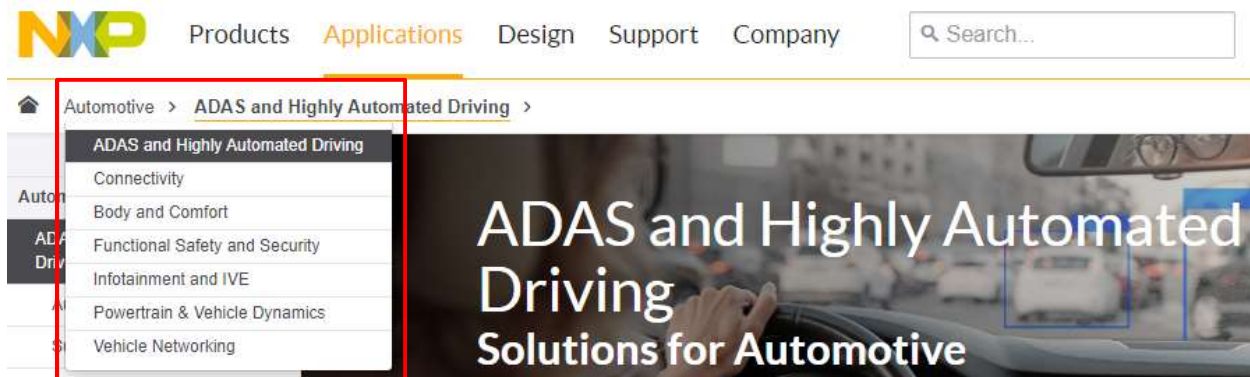
35.     The '411 Accused Instrumentalities' active path is displayed as an alternative to the graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items using the graphical user system (e.g., the '411 Accused Instrumentalities display the Active Path as an alternative to Defendants' graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user

has finished selecting items, such as "ADAS and Highly Automated Driving" using Defendants' graphical user menu system such that Defendants' Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed) such that the Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed (e.g., the Active Path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" is displayed after the multi-level hierarchical collapsing menu structure has collapsed) as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

36.     On information and belief, in the '411 Accused Instrumentalities, pre-selecting a given active link triggers the display of sibling menu items on the level associated with said given active link without disturbing the displayed Active Path (e.g., pre-selecting the "Automotive" active link triggers the display of sibling menu items, such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," "Powertrain & Vehicle Dynamics," and "Vehicle Networking" without disturbing the displayed Active Path) as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

37.     On information and belief, the '411 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the '411 Accused Instrumentalities provide pre-defined shortcuts, such as those listed in the collapsing menu, enabling direct access to a given menu item); and automatically constructing the Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the menu items necessary to access said given menu item using said graphical user menu system (e.g., the '411 Accused Instrumentalities automatically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of hierarchical active links as items are selected (e.g., as "Automotive," "ADAS and

Highly Automated Driving," and "Automotive Radar Systems" are selected)), with one said

active link corresponding to each of the menu items necessary to access the given menu item

using Defendants' graphical user menu system (e.g., the '411 Accused Instrumentalities' active

path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems"

corresponds to each of the items selected, including "Automotive," "ADAS and Highly

Automated Driving," and "Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

38.     On information and belief, in the '411 Accused Instrumentalities, selecting a

given active link triggers the execution of a function associated with said given active link (e.g.,

selecting a given active link such as "Automotive" triggers the execution of a function, such as

displaying sibling menus (e.g., "ADAS and Highly Automated Driving," "Connectivity," "Body

and Comfort," "Functional Safety and Security," "Infotainment and IVE," "Powertrain &

Vehicle Dynamics," and "Vehicle Networking") or directing user to certain content).

39.     On information and belief, in the '411 Accused Instrumentalities, selecting a

given active link triggers display of information associated with said given active link (e.g., the

'411 Accused Instrumentalities allow selecting the link "ADAS and Highly Automated Driving"

to trigger display of information (e.g., displaying "Automotive Radar Systems," "Surround

View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and

"Driver Monitoring Systems (DMS) and Occupant Monitoring Systems") associated with the

link "ADAS and Highly Automated Driving").

40.     Discovery is expected to uncover the full extent of Defendants' infringement of the '411 Patent beyond the '411 Accused Instrumentalities already identified through public information.

41.     Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-4 of the '411 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '411 Accused Instrumentalities constitutes direct infringement of at least Claims 1-4 of the '411 Patent.

42.     In particular, Defendants' actions aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using the '411 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '411 Patent and knowledge that their acts were inducing infringement of the '411 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '411 Patent.

43.     Defendants' acts of inducement include, without limitation: providing the '411 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '411 Accused Instrumentalities that enables and/or makes use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '411 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing

(*see, e.g.*, https://www.nxp.com/company/contact-us:CONTACTUS (providing contact

information to address sales regarding the '411 Accused Instrumentalities); *see also id.*

(providing a messaging platform for communicating same); *see also*

https://www.nxp.com/support/support:SUPPORTHOME (providing a customer support service

for technical support relating to the '411 Accused Instrumentalities); *see also*

https://www.nxp.com/security/login?service=https%3A%2F%2Fwww.nxp.com%2Fidp-
auth%2FAuthn%2FExternal%3Fconversation%3De1s1&entityId=https%3A%2F%2Fnxp.my.sal
esforce.com%2Fcaseportal (providing a customer support center to create a "help ticket" for any

issues (e.g., error messages or disabled functionalities) relating to the '411 Accused

Instrumentalities)); *see also*

https://nxpsemiconductors.secure.force.com/apex/PreChatFormEnglish?endpoint=https%3A%2F
%2F5rm2.la1-c2-
fra.salesforceliveagent.com%2Fcontent%2Fs%2Fchat%3Flanguage%3Den_US%26org_id%3D0
0D20000000NBgb%26deployment_id%3D572D0000000TOQq%26sid%3Db1e1edca-67ff-
43dd-b4a9-
11fac532c89e%23deployment_id%3D572D0000000TOQq%26org_id%3D00D20000000NBgb
%26button_id%3D57357000000XZAl%26session_id%3Db1e1edca-67ff-43dd-b4a9-
11fac532c89e (creating an online chat room to provide customer support for any issue relating to

the '411 Accused Instrumentalities); *see also* https://www.nxp.com/support/support/report-
product-security-vulnerabilities:PSIRT (encouraging customers and other third parties to use the

'411 Accused Instrumentalities to access content published therein (e.g.,

https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (providing

an URL (https://media.nxp.com/) to a "NXP Media Center" webpage that can be accessed using

the '411 Accused Instrumentalities); *see also* https://www.facebook.com/nxpsemi/ (encouraging

customers and other third parties on social media platforms to use the '411 Accused

Instrumentalities to access content published therein (e.g., https://www.facebook.com/nxpsemi/

(providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-

EXPERIENCE?cid=soc_PRG338958_TAC341444_FB); *see also*

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing content through the

'411 Accused Instrumentalities and encouraging customers and other third parties to use the '411

Accused Instrumentalities to access content published therein (e.g.,

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing an URL

(https://www.nxp.com/support/support:SUPPORTHOME/) to a "NXP Support Center" webpage

that can be accessed using the '411 Accused Instrumentalities)); *see also*

https://investors.nxp.com/financial-information/financial-information-0 (recommending

investors and other third parties to use the '411 Accused Instrumentalities to access financial

results relating to Defendants' financial information); *see also*

https://www.facebook.com/nxpsemi/,

https://twitter.com/NXP?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor,

and https://www.linkedin.com/company/nxp-semiconductors/ (Defendants' social media

accounts promoting the use of '411 Accused Instrumentalities through which various media

content can be accessed); *see also* https://media.nxp.com/media-center/press-releases (providing

press releases encouraging customers and other third parties to use the '411 Accused

Instrumentalities to access content (for example, https://media.nxp.com/news-releases/news-

release-details/nxp-accelerates-uwb-based-mobile-payment-innovation-ntt-docomo (providing an

URL (https://www.nxp.com/applications/solutions/enabling-technologies/ultra-wideband-

uwb:UWB?&tid=vanuwb) to a "Ultra-Wideband ("UWB") webpage that can be accessed using

the '411 Accused Instrumentalities)); and https://blog.nxp.com/ (providing blogs encouraging

customers and other third parties to use the '411 Accused Instrumentalities to access content (for

example, https://blog.nxp.com/tech-insights/processing/machine-learning-acceleration-the-race-

to-the-top-and-the-bottom (providing an URL (https://www.nxp.com/company/events/nxp-

experience:NXP-EXPERIENCE?tid=FSHBNR_20200225) to a "NXP eXperience" webpage

that can be accessed using the '411 Accused Instrumentalities)).

44.     Defendants performed acts of inducement despite their actual knowledge since at

least the filing date of this Complaint and their knowledge that the specific actions they actively

induced and continue to actively induce on the part of their users, partners, and customers, and

other third parties constitute infringement of the '411 Patent.  At the very least, because

Defendants have been, and remain, on notice of the '411 Patent and the accused infringement,

they have been, and remain, willfully blind regarding the infringement that they have induced

and continue to induce.

45.     On information and belief, Defendants have contributed to, and continue to

contribute to, infringement of at least Claims 1-4 of the '411 Patent pursuant to 35 U.S.C. §

271(c) by providing the '411 Accused Instrumentalities that have contributed, and continue to

contribute, to the direct infringement of new, current, and prospective users, partners, customers

and other third parties with the knowledge (at least as of the filing date of this Complaint) that

the '411 Accused Instrumentalities are especially made or adapted for use in an infringement of

the '411 Patent.  For example, by providing the web pages, software, and computer equipment

identified above, Defendants contribute to the direct infringement of users of said web pages,

software, and computer equipment.  The '411 Accused Instrumentalities are material

components or apparatuses for use in practicing the '411 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

46.     For example, the '411 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical collapsing system according to the claimed invention(s).  Defendants supplied, and continue to supply, the '411 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '411 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '411 Patent.  Moreover, Defendants know at least by virtue of their knowledge of their own products, services, and the '411 Patent that the '411 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '411 Patent and there is no substantial non-infringing use of the '411 Accused Instrumentalities, or components or apparatuses thereof.

47.     Defendants have directly and indirectly infringed the '411 Patent and are thus liable for infringement of the '411 Patent pursuant to 35 U.S.C. § 271.

48.     Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '411 Patent.

49.     Defendants have continued to infringe the '411 Patent since at least the filing date of this Complaint, despite being on notice of the '411 Patent and their infringement.  Defendants have therefore infringed the '411 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement.  As a result of at least this conduct, Plaintiffs are

entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35

U.S.C. § 285.

50.     Plaintiffs reserve the right to modify their infringement theories as discovery

progresses in this case.  Plaintiffs shall not be estopped for purposes of their infringement

contentions or their claim constructions by the foregoing discussions on how the '411 Accused

Instrumentalities infringe the '411 Patent.  Plaintiffs intend only that the foregoing discussions

satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that

they should not be construed as Plaintiffs' preliminary or final infringement contentions or

preliminary or final claim construction positions.

<div align="center">

**COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,216,301**

</div>

51.     Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth

herein.

52.     The '301 Patent is directed to systems and methods for navigating within a multi-

level hierarchical information structure, as described and claimed in the '301 Patent.

53.     Defendants have and continue to directly infringe at least Claims 1-5 and 9 of the

'301 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. §

271(a), literally or under the doctrine of equivalents, by, among other things, by making, using,

selling, offering to sell, and/or importing in or into the United States, without authority: (i) web

pages and content to be interactively presented in browsers, including, without limitation, the

web pages and content accessible via https://www.nxp.com/ and maintained on servers located in

and/or accessible from the United States under the control of Defendants; (ii) software,

including, without limitation, software that allows content to be interactively presented in and/or

served to browsers; (iii) computer equipment, including, without limitation, computer equipment
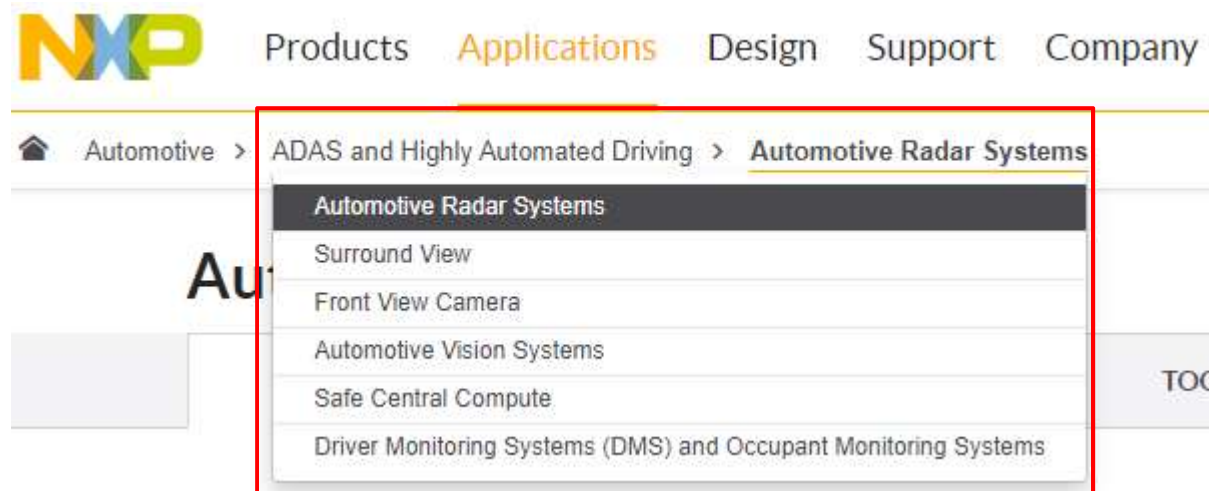
that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure, where each level in the information structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "'301 Accused Instrumentalities") as shown below:
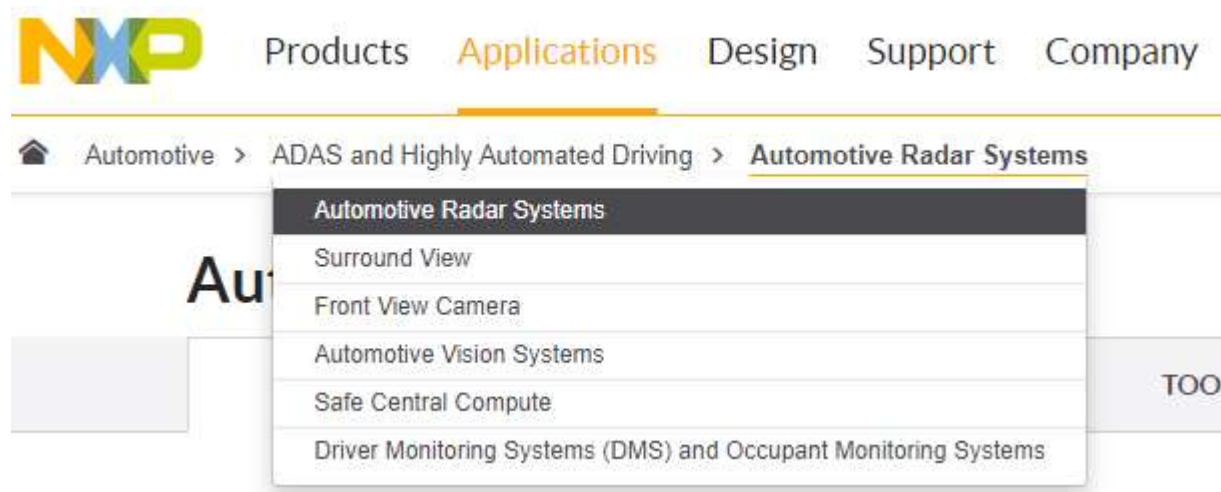


*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

54.     By way of example, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure (e.g., collapsing menu structure opened via the menu icon on the left hand upper corner of the Defendants' web page) each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., "ADAS and Highly Automated Driving," which includes "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central

Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems")) as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).
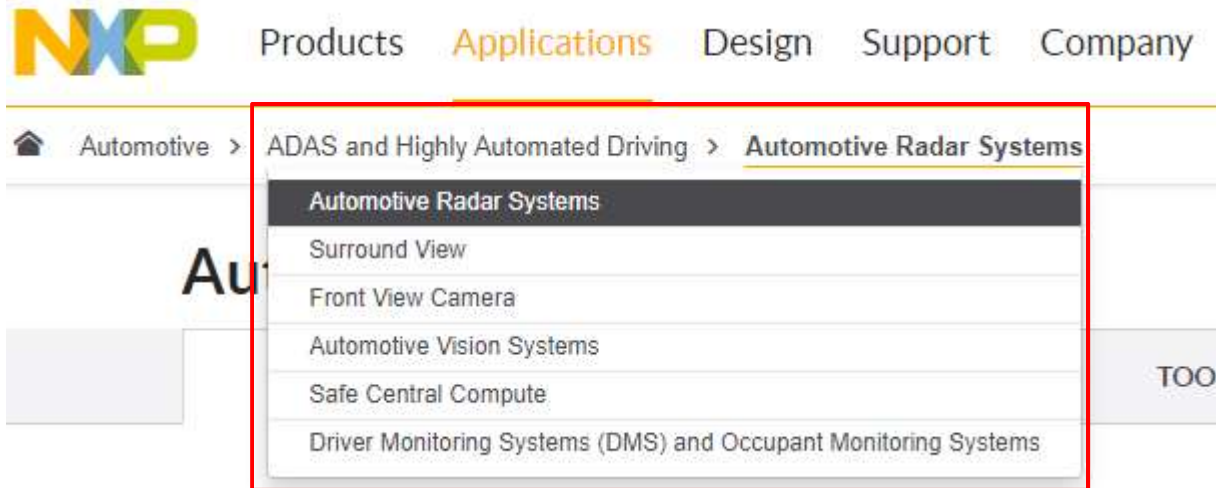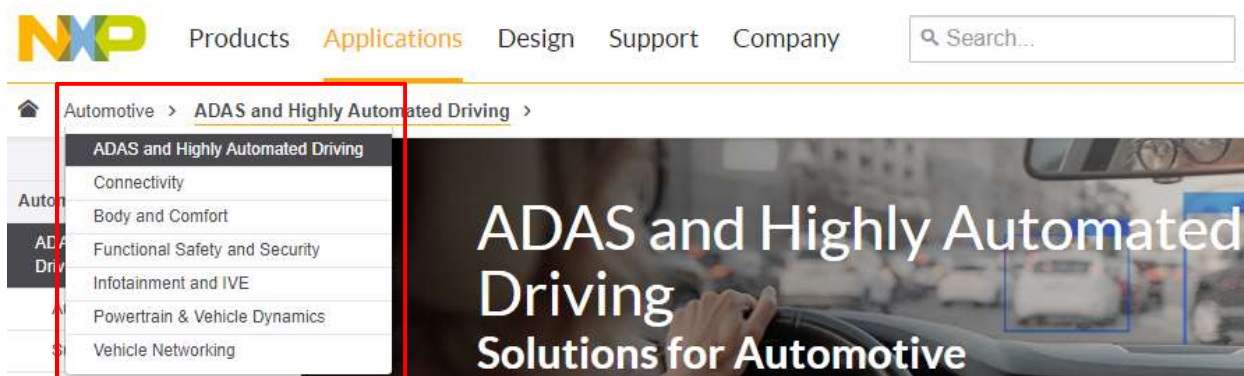
55.     More specifically, the '301 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level of the hierarchical information structure and enabling selection thereof (e.g., "ADAS and Highly Automated Driving" displays and enables selection of items of a given level, such as "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems"); and dynamically constructing an Active Path as a sequence of active links as items are selected using the graphical user menu system (e.g., the '301 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of active links as items are selected (e.g., as "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems" are selected)), with one said active link corresponding to each of the items selected, said active links providing direct access to one of a

function, corresponding level and menu item without the need to navigate using said graphical user menu system (e.g., the '301 Accused Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" corresponds to each of the items selected, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

56.     Also, each active link in the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., the '301 Accused Instrumentalities enable the user to directly browse all items under "ADAS and Highly Automated Driving" such as "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

57.     On information and belief, the '301 Accused Instrumentalities provide pre-defined short-cuts (such as those listed in the collapsing menu) enabling direct access to a given menu item; and dynamically constructing the Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the items necessary to access said given item using said graphical user menu system (e.g., the '301 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") when a pre-defined short-cut is executed (e.g., as "Automotive," "ADAS and Highly Automated Driving," or "Automotive Radar Systems" is executed)), with one said active link corresponding to each of the items necessary to access the given item using Defendants' graphical user menu system (e.g., the '301 Accused Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" corresponds to each of the items necessary to access the given item, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems") as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

58.     On information and belief, in the '301 Accused Instrumentalities, rolling over a selected active link triggers the display of sibling items on the hierarchically subordinate levels associated with said selected active link (e.g., the '301 Accused Instrumentalities allow rolling over the link "Automotive" to trigger the display of sibling items (e.g., "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking") on the hierarchically subordinate levels associated with the selected active link "Automotive") as shown below:
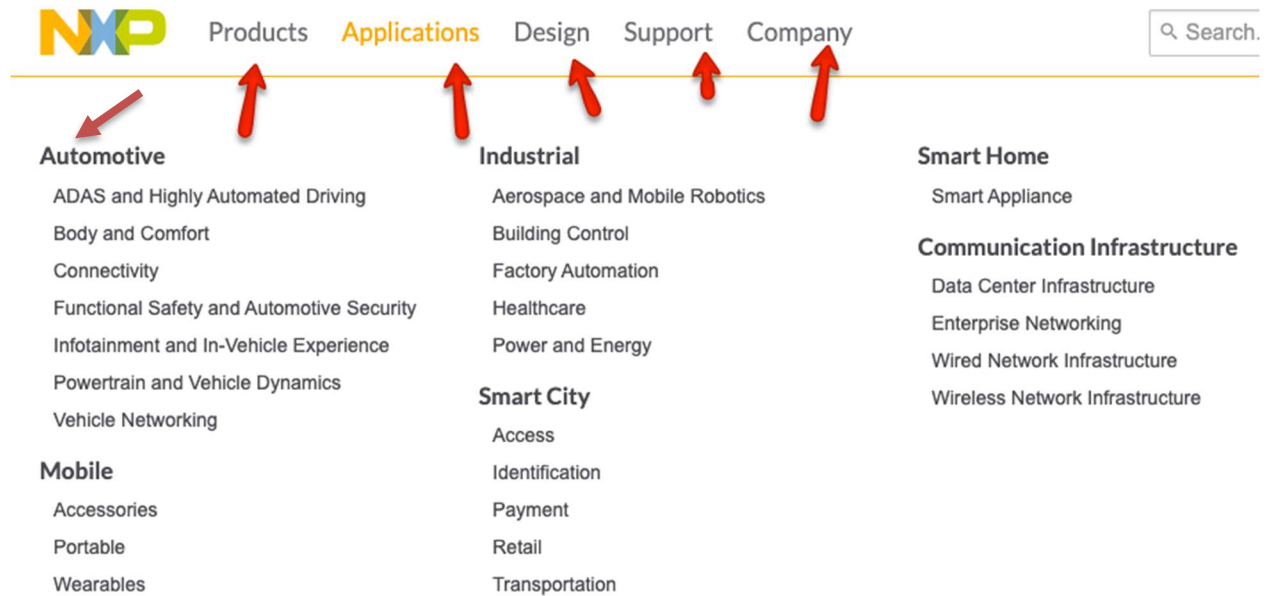


*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

59.     On information and belief, the '301 Accused Instrumentalities allow selecting a given active link to trigger the execution of a function associated with said given active link (e.g., selecting a given active link such as "Automotive" triggers the execution of a function, such as displaying sibling menus (e.g., "ADAS and Highly Automated Driving," "Connectivity,"

- 23 -

"Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" or directing user to certain content).  *See id.*

60.     On information and belief, the '301 Accused Instrumentalities allow selecting a given active link to trigger display of information associated with said given active link (e.g., the '301 Accused Instrumentalities allow selecting the link "Automotive" to trigger display of information (e.g., displaying "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking") associated with the link "ADAS and Automotive Driving").

61.     On information and belief, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

62.     By way of example, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure (e.g., collapsing menu structure opened via the menu icon on the left hand upper corner of the Defendants' web page) each level in the information structure contains plural items, each said

item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., "Automotive" includes "ADAS Automotive Driving," which includes "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking") as shown below:
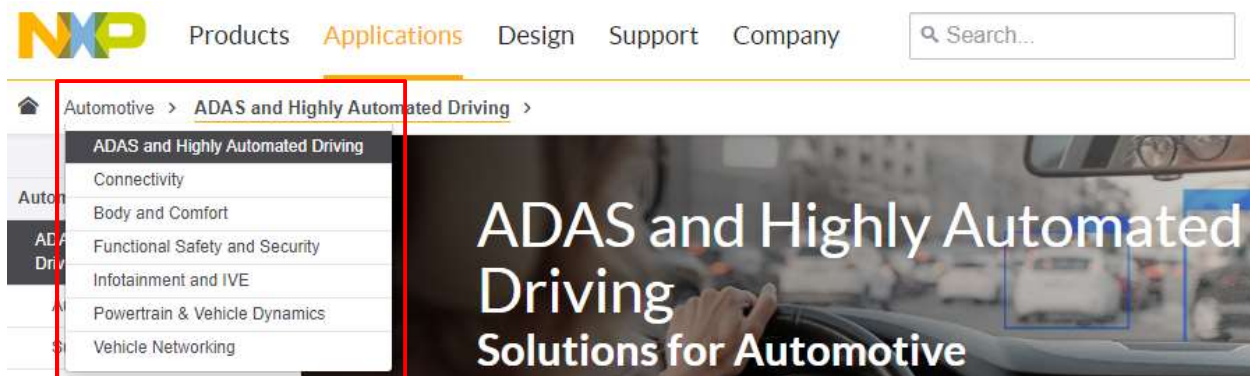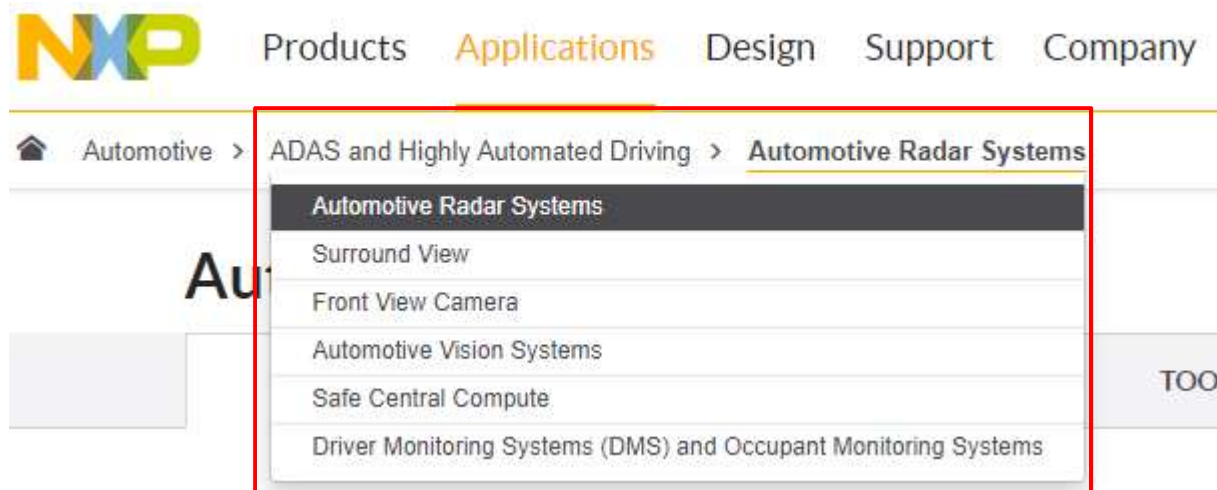


*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

63. More specifically, the '301 Accused Instrumentalities provide displaying a graphic element representing a root of the hierarchical information structure (e.g., the '301 Accused Instrumentalities display a number of graphic elements each representing a root of the hierarchical information structure) as shown below:

*See e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

64.    Also, the '301 Accused Instrumentalities allow browsing the hierarchical information structure by rolling over said graphic element using a pointing device (e.g., by rolling over a mouse over the "Applications" graphical element and selecting "Automotive" and "ADAS and Highly Automated Driving"), wherein browsing results in the display of sibling items or hierarchically subordinate items (e.g., browsing "Automotive" results in the display of items such as "ADAS and Highly Automated Driving," "Body and Comfort," "Connectivity," "Functional Safety and Automotive Security," "Infotainment and In-Vehicle Experience," "Powertrain and Vehicle Dynamics," and "Vehicle Networking") as shown below:
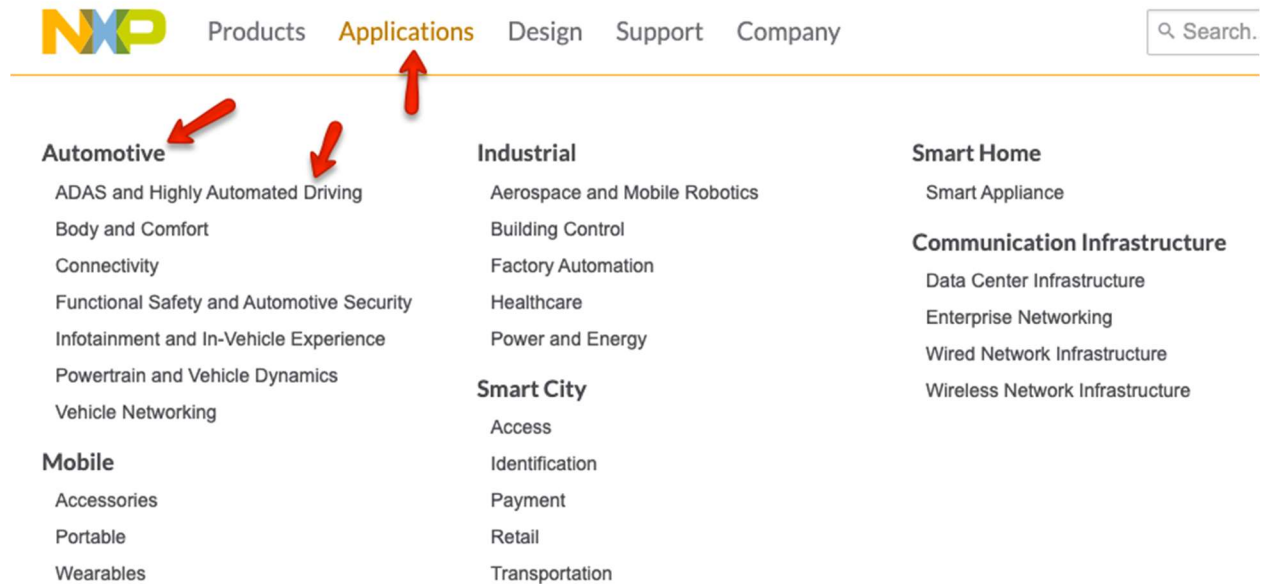
*See e.g.*, https://www.nxp.com/ (last visited Feb. 10, 2020) (annotated).

65.     Also, the '301 Accused Instrumentalities allow selecting one of the displayed items (e.g., selecting "ADAS and Highly Automated Driving" under "Automotive"); dynamically constructing an Active Path as a sequence of active links as items are selected (e.g., the '301 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving") as a sequence of active links as items are selected (e.g., as "Automotive" and "ADAS and Highly Automated Driving" are selected)), with one said active link corresponding to each of the items selected (e.g., with each active link corresponding to "Automotive" and "ADAS and Highly Automated Driving"), said active links providing direct access to one of a function, corresponding level and item without the need to navigate from the root of the hierarchical information structure (e.g., the '301 Accused Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving" corresponds to each of the items sequentially selected, including "Automotive" and "ADAS and Highly Automated Driving" and allows direct access without the need to navigate from the root of the hierarchical information structure).

66.     Also, each said active link in the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., the '301 Accused Instrumentalities enable the user to directly browse all items under "ADAS and Highly Automated Driving" such as "Automotive Radar Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

67.     Discovery is expected to uncover the full extent of Defendants' infringement of the '301 Patent beyond the '301 Accused Instrumentalities already identified through public information.

68.     Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-5 and 9 of the '301 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users,

partners, customers and other third parties, whose use of the '301 Accused Instrumentalities constitutes direct infringement of at least Claims 1-5 and 9 of the '301 Patent.

69. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using the '301 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '301 Patent and knowledge that their acts were inducing infringement of the '301 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '301 Patent.

70. Defendants' acts of inducement include, without limitation: providing the '301 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '301 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '301 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, https://www.nxp.com/company/contact-us:CONTACTUS (providing contact information to address sales regarding the '301 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* https://www.nxp.com/support/support:SUPPORTHOME (providing a customer support service for technical support relating to the '301 Accused Instrumentalities); *see also* https://www.nxp.com/security/login?service=https%3A%2F%2Fwww.nxp.com%2Fidp-auth%2FAuthn%2FExternal%3Fconversation%3De1s1&entityId=https%3A%2F%2Fnxp.my.sal

esforce.com%2Fcaseportal (providing a customer support center to create a "help ticket" for any issues (e.g., error messages or disabled functionalities) relating to the '301 Accused Instrumentalities)); *see also*

https://nxpsemiconductors.secure.force.com/apex/PreChatFormEnglish?endpoint=https%3A%2F %2F5rm2.la1-c2-fra.salesforceliveagent.com%2Fcontent%2Fs%2Fchat%3Flanguage%3Den_US%26org_id%3D0 0D20000000NBgb%26deployment_id%3D572D0000000TOQq%26sid%3Db1e1edca-67ff-43dd-b4a9-11fac532c89e%23deployment_id%3D572D0000000TOQq%26org_id%3D00D20000000NBgb %26button_id%3D57357000000XZAl%26session_id%3Db1e1edca-67ff-43dd-b4a9-11fac532c89e (creating an online chat room to provide customer support for any issue relating to the '301 Accused Instrumentalities); *see also* https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (encouraging customers and other third parties to use the '301 Accused Instrumentalities to access content published therein (e.g., https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (providing an URL (https://media.nxp.com/) to a "NXP Media Center" webpage that can be accessed using the '301 Accused Instrumentalities); *see also* https://www.facebook.com/nxpsemi/ (encouraging customers and other third parties on social media platforms to use the '301 Accused Instrumentalities to access content published therein (e.g., https://www.facebook.com/nxpsemi/ (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-EXPERIENCE?cid=soc_PRG338958_TAC341444_FB); *see also* https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing content through the '301 Accused Instrumentalities and encouraging customers and other third parties to use the '301

Accused Instrumentalities to access content published therein (e.g.,

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing an URL

(https://www.nxp.com/support/support:SUPPORTHOME/) to a "NXP Support Center" webpage

that can be accessed using the '301 Accused Instrumentalities)); *see also*

https://investors.nxp.com/financial-information/financial-information-0 (recommending

investors and other third parties to use the '301 Accused Instrumentalities to access financial

results relating to Defendants' financial information); *see also*

https://www.facebook.com/nxpsemi/,

https://twitter.com/NXP?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor,

and https://www.linkedin.com/company/nxp-semiconductors/ (Defendants' social media

accounts promoting the use of '301 Accused Instrumentalities through which various media

content can be accessed); *see also* https://media.nxp.com/media-center/press-releases (providing

press releases encouraging customers and other third parties to use the '301 Accused

Instrumentalities to access content (for example, https://media.nxp.com/news-releases/news-

release-details/nxp-accelerates-uwb-based-mobile-payment-innovation-ntt-docomo (providing an

URL (https://www.nxp.com/applications/solutions/enabling-technologies/ultra-wideband-

uwb:UWB?&tid=vanuwb) to a "Ultra-Wideband ("UWB") webpage that can be accessed using

the '301 Accused Instrumentalities)); and https://blog.nxp.com/ (providing blogs encouraging

customers and other third parties to use the '301 Accused Instrumentalities to access content (for

example, https://blog.nxp.com/tech-insights/processing/machine-learning-acceleration-the-race-

to-the-top-and-the-bottom (providing an URL (https://www.nxp.com/company/events/nxp-

experience:NXP-EXPERIENCE?tid=FSHBNR_20200225) to a "NXP eXperience" webpage

that can be accessed using the '301 Accused Instrumentalities)).

71.     Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the '301 Patent.  At the very least, because Defendants have been, and remain, on notice of the '301 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

72.     On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1-5 and 9 of the '301 Patent pursuant to 35 U.S.C. § 271(c) by providing the '301 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '301 Accused Instrumentalities are especially made or adapted for use in an infringement of the '301 Patent.  For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment.  The '301 Accused Instrumentalities are material components or apparatuses for use in practicing the '301 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

73.     For example, the '301 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s).  Defendants supplied, and continue to supply, the '301 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '301 Patent and with the knowledge that these components or apparatuses constitute critical and

material parts of the claimed inventions of the '301 Patent. Moreover, Defendants know at least

by virtue of their knowledge of their own products, services, and the '301 Patent that the '301

Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the

'301 Patent and there is no substantial non-infringing use of the '301 Accused Instrumentalities,

or components or apparatuses thereof.

74.     Defendants have directly and indirectly infringed the '301 Patent and are thus

liable for infringement of the '301 Patent pursuant to 35 U.S.C. § 271.

75.     Plaintiffs have suffered, and continue to suffer, damages as a result of

Defendants' infringement of the '301 Patent.

76.     Defendants have continued to infringe the '301 Patent since at least the filing date

of this Complaint, despite being on notice of the '301 Patent and their infringement. Defendants

have therefore infringed the '301 Patent knowingly, willfully, deliberately, and in disregard of

Plaintiffs' patent rights since at least the filing date of this Complaint, at least by infringing with

actual knowledge of their direct and indirect infringement or while remaining willfully blind to

the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are

entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35

U.S.C. § 285.

77.     Plaintiffs reserve the right to modify their infringement theories as discovery

progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement

contentions or their claim constructions by the foregoing discussions on how the '301 Accused

Instrumentalities infringe the '301 Patent. Plaintiffs intend only that the foregoing discussions

satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that

they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

## COUNT III - INFRINGEMENT OF U.S. PATENT NO. 7,640,517

78. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

79. The '517 Patent is directed to systems and methods for navigating within a hierarchical menu structure, as described and claimed in the '517 Patent.

80. Defendants have and continue to directly infringe at least Claims 1-3 and 5-6 of the '517 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via https://www.nxp.com/and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a hierarchical menu structure, where each level in the menu contains plural items (hereinafter, the "'517 Accused Instrumentalities") as shown below:
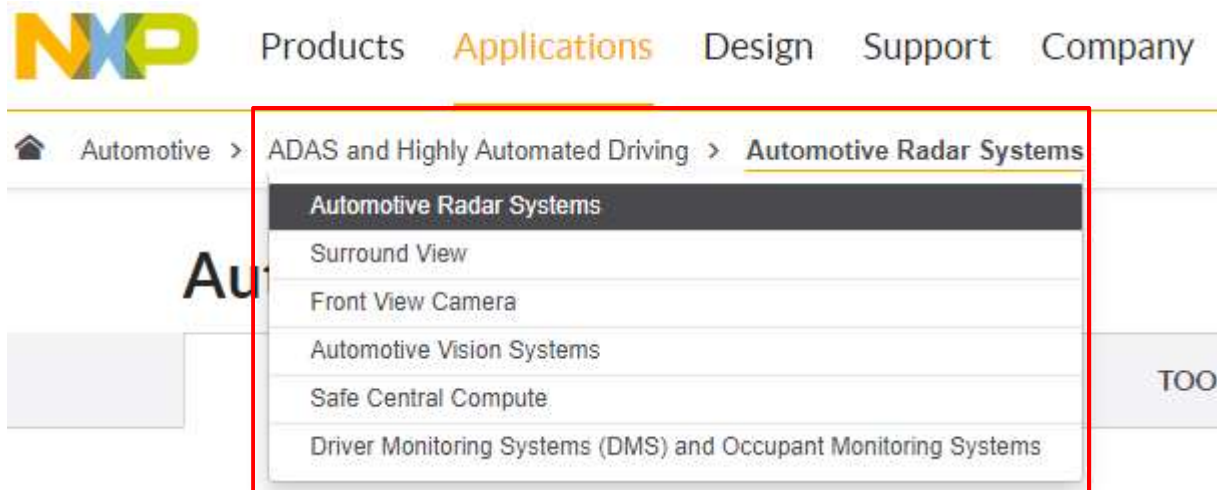
81.     By way of example, the '517 Accused Instrumentalities provide a method for navigating within a hierarchical menu structure where each level in the menu contains plural items as shown below:
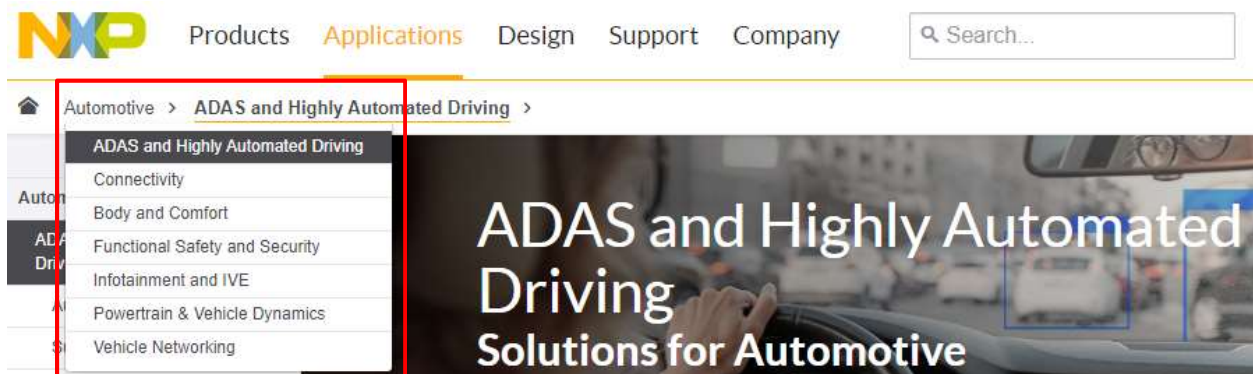
82.     More specifically, the '517 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof (e.g.,

"Automotive," which includes "ADAS and Highly Automated Driving," which includes "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems"), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access "Automotive Radar Systems," "ADAS and Highly Automated Driving" is accessed first; as another example, to access "ADAS and Highly Automated Driving," "Automotive" is accessed first); and constructing an Active Path as a sequence of hierarchical active links as items are selected using the graphical user menu system (e.g., the '517 Accused Instrumentalities construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of active links as items are selected (e.g., as "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems" are selected)), with one said active link corresponding to each of the items selected, each said active link providing direct access to the hierarchical level from which the corresponding item was selected without using said graphical user menu system (e.g., the '517 Accused Instrumentalities' active path "Automotive—ADAS and Automated Driving—Automotive Radar Systems" corresponds to each of the items selected, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems" each link providing direct access to the hierarchical level from which "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems" was selected without using the graphical user menu system) as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

83.     Also, the '517 Accused Instrumentalities display the Active Path as an alternative to the graphical user menu system for navigating the menu structure after the user has finished selecting items using the graphical user system such that the Active Path is displayed (e.g., the '517 Accused Instrumentalities display the Active Path as an alternative to Defendants' graphical user menu system for navigating the menu structure after the user has finished selecting items, such as "ADAS and Highly Automated Driving," using Defendants' graphical user menu system such that the Active Path is displayed) as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated); *see also* https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

84.     On information and belief, in the '517 Accused Instrumentalities, rolling over a given active link with the pointer of a pointing device triggers the display of menu items on the hierarchical level associated with said given active link without disturbing the displayed Active Path (e.g., rolling over the link "ADAS and Highly Automated Driving" to trigger the display of menu items on the hierarchical level associated with the link "ADAS and Highly Automated Driving" (e.g., displaying "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems") associated with the link "ADAS and Highly Automated Driving").

85.     On information and belief, the '517 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the '517 Accused Instrumentalities provide pre-defined shortcuts, such as those listed in the collapsing menu, enabling direct access to a given menu item); and automatically constructing the Active Path

when a pre-defined short-cut is executed, with one said active link corresponding to each of the menu items necessary to access said given menu item using said graphical user menu system (e.g., the '517 Accused Instrumentalities automatically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") when a pre-defined short-cut is executed (e.g., when the pre-defined short-cut "Automotive," "ADAS and Highly Automated Driving," or "Automotive Radar Systems" is executed), where the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" corresponds to each of the menu items necessary to access the given menu item using Defendants' graphical user menu system, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

86.    On information and belief, in the '517 Accused Instrumentalities, a given active link is browsed by rolling over the given active link with a pointing device to trigger the display of sibling menu items on the level associated with said given active link (e.g., rolling over the link "Automotive" with a mouse to trigger the display of sibling menu items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," "Powertrain & Vehicle Dynamics," and "Vehicle Networking" without disturbing the displayed Active Path) as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

87.     On information and belief, in the '517 Accused Instrumentalities, selecting a given active link triggers the execution of a function associated with said given active link (e.g., selecting a given active link such as "ADAS and Highly Automated Driving" triggers the execution of a function, such as displaying sibling menus (e.g., "Surround View," "Front View Camera," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems") or directing user to certain content).

88.     On information and belief, in the '517 Accused Instrumentalities, selecting a given active link triggers display of information associated with said given active link (e.g., the '517 Accused Instrumentalities allow selecting the link "ADAS and Highly Automated Driving" to trigger display of information (e.g., displaying "Surround View," "Front View Camera," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems") associated with the link "ADAS and Highly Automated Driving").

89.     Discovery is expected to uncover the full extent of Defendants' infringement of the '517 Patent beyond the '517 Accused Instrumentalities already identified through public information.

90.     Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-3 and 5-6 of the '517 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '517 Accused Instrumentalities constitutes direct infringement of at least Claims 1-3 and 5-6 of the '517 Patent.

91.     In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using the '517 Accused Instrumentalities.  On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '517 Patent and knowledge that their acts were inducing infringement of the '517 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '517 Patent.

92.     Defendants' acts of inducement include, without limitation: providing the '517 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '517 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '517 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing

(*see, e.g.*, https://www.nxp.com/company/contact-us:CONTACTUS (providing contact

information to address sales regarding the '517 Accused Instrumentalities); *see also id.*

(providing a messaging platform for communicating same); *see also*

https://www.nxp.com/support/support:SUPPORTHOME (providing a customer support service

for technical support relating to the '517 Accused Instrumentalities); *see also*

https://www.nxp.com/security/login?service=https%3A%2F%2Fwww.nxp.com%2Fidp-

auth%2FAuthn%2FExternal%3Fconversation%3De1s1&entityId=https%3A%2F%2Fnxp.my.sal

esforce.com%2Fcaseportal (providing a customer support center to create a "help ticket" for any

issues (e.g., error messages or disabled functionalities) relating to the '517 Accused

Instrumentalities)); *see also*

https://nxpsemiconductors.secure.force.com/apex/PreChatFormEnglish?endpoint=https%3A%2F

%2F5rm2.la1-c2-

fra.salesforceliveagent.com%2Fcontent%2Fs%2Fchat%3Flanguage%3Den_US%26org_id%3D0

0D20000000NBgb%26deployment_id%3D572D0000000TOQq%26sid%3Db1e1edca-67ff-

43dd-b4a9-

11fac532c89e%23deployment_id%3D572D0000000TOQq%26org_id%3D00D20000000NBgb

%26button_id%3D57357000000XZAl%26session_id%3Db1e1edca-67ff-43dd-b4a9-

11fac532c89e (creating an online chat room to provide customer support for any issue relating to

the '517 Accused Instrumentalities); *see also* https://www.nxp.com/support/support/report-

product-security-vulnerabilities:PSIRT (encouraging customers and other third parties to use the

'517 Accused Instrumentalities to access content published therein (e.g.,

https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (providing

an URL (https://media.nxp.com/) to a "NXP Media Center" webpage that can be accessed using

the '517 Accused Instrumentalities); *see also* https://www.facebook.com/nxpsemi/ (encouraging

customers and other third parties on social media platforms to use the '517 Accused

Instrumentalities to access content published therein (e.g., https://www.facebook.com/nxpsemi/

(providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-

EXPERIENCE?cid=soc_PRG338958_TAC341444_FB); *see also*

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing content through the

'517 Accused Instrumentalities and encouraging customers and other third parties to use the '517

Accused Instrumentalities to access content published therein (e.g.,

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing an URL

(https://www.nxp.com/support/support:SUPPORTHOME/) to a "NXP Support Center" webpage

that can be accessed using the '517 Accused Instrumentalities)); *see also*

https://investors.nxp.com/financial-information/financial-information-0 (recommending

investors and other third parties to use the '517 Accused Instrumentalities to access financial

results relating to Defendants' financial information); *see also*

https://www.facebook.com/nxpsemi/,

https://twitter.com/NXP?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor,

and https://www.linkedin.com/company/nxp-semiconductors/ (Defendants' social media

accounts promoting the use of '517 Accused Instrumentalities through which various media

content can be accessed); *see also* https://media.nxp.com/media-center/press-releases (providing

press releases encouraging customers and other third parties to use the '517 Accused

Instrumentalities to access content (for example, https://media.nxp.com/news-releases/news-

release-details/nxp-accelerates-uwb-based-mobile-payment-innovation-ntt-docomo (providing an

URL (https://www.nxp.com/applications/solutions/enabling-technologies/ultra-wideband-

uwb:UWB?&tid=vanuwb) to a "Ultra-Wideband ("UWB") webpage that can be accessed using

the '517 Accused Instrumentalities)); and https://blog.nxp.com/ (providing blogs encouraging

customers and other third parties to use the '517 Accused Instrumentalities to access content (for

example, https://blog.nxp.com/tech-insights/processing/machine-learning-acceleration-the-race-

to-the-top-and-the-bottom (providing an URL (https://www.nxp.com/company/events/nxp-

experience:NXP-EXPERIENCE?tid=FSHBNR_20200225) to a "NXP eXperience" webpage

that can be accessed using the '517 Accused Instrumentalities)).

93.     Defendants performed acts of inducement despite their actual knowledge since at

least the filing date of this Complaint and their knowledge that the specific actions they actively

induced and continue to actively induce on the part of their users, partners, and customers, and

other third parties constitute infringement of the '517 Patent.  At the very least, because

Defendants have been, and remain, on notice of the '517 Patent and the accused infringement,

they have been, and remain, willfully blind regarding the infringement that they have induced

and continue to induce.

94.     On information and belief, Defendants have contributed to, and continue to

contribute to, infringement of at least Claims 1-3 and 5-6 of the '517 Patent pursuant to 35

U.S.C. § 271(c) by providing the '517 Accused Instrumentalities that have contributed, and

continue to contribute, to the direct infringement of new, current, and prospective users, partners,

customers and other third parties with the knowledge (at least as of the filing date of this

Complaint) that the '517 Accused Instrumentalities are especially made or adapted for use in an

infringement of the '517 Patent.  For example, by providing the web pages, software, and

computer equipment identified above, Defendants contribute to the direct infringement of users

of said web pages, software, and computer equipment.  The '517 Accused Instrumentalities are

material components or apparatuses for use in practicing the '517 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

95. For example, the '517 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a hierarchical menu structure according to the claimed invention(s). Defendants supplied, and continue to supply, the '517 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '517 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '517 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products, services, and the '517 Patent that the '517 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '517 Patent and there is no substantial non-infringing use of the '517 Accused Instrumentalities, or components or apparatuses thereof.

96. Defendants have directly and indirectly infringed the '517 Patent and are thus liable for infringement of the '517 Patent pursuant to 35 U.S.C. § 271.

97. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '517 Patent.

98. Defendants have continued to infringe the '517 Patent since at least the filing date of this Complaint, despite being on notice of the '517 Patent and their infringement. Defendants have therefore infringed the '517 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are

entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

99.     Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case.  Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '517 Accused Instrumentalities infringe the '517 Patent.  Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

## COUNT IV - INFRINGEMENT OF U.S. PATENT NO. 7,725,836

100.     Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

101.     The '836 Patent is directed to systems and methods for navigating within a multi-level hierarchical information structure, as described and claimed in the '836 Patent.

102.     Defendants have and continue to directly infringe at least Claims 1-5 and 7-8 of the '836 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via https://www.nxp.com/ and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; (iii) computer equipment, including, without limitation, computer equipment

that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "'836 Accused Instrumentalities") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

103.    By way of example, the '836 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the menu contains plural items as shown below:
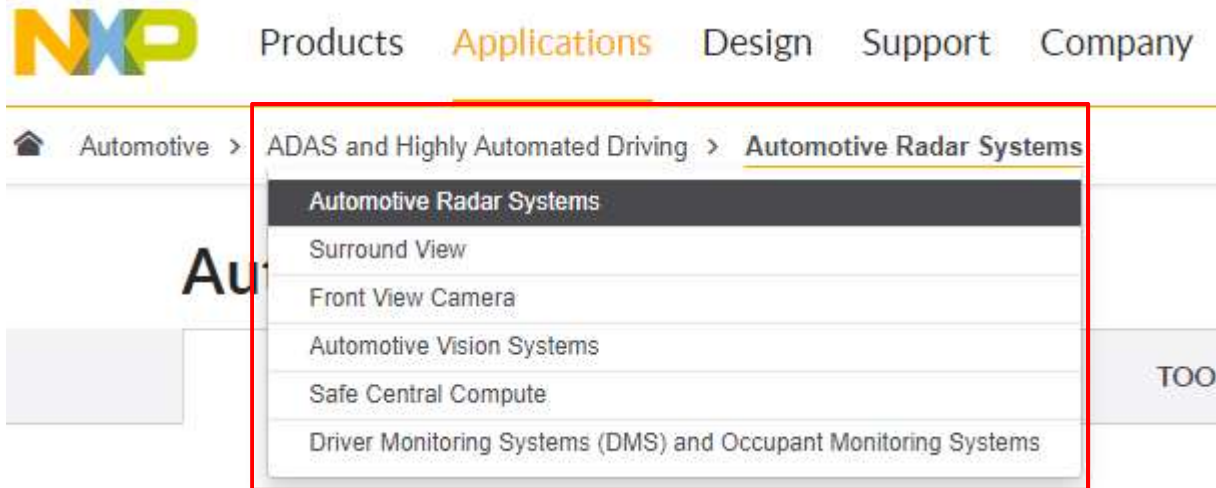
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

104.    More specifically, the '836 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level of the hierarchical information structure and enabling selection thereof (e.g., "ADAS and Highly Automated Driving" displays and enables selection of items of a given level, such as "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring System (DMS) and Occupant Monitoring Systems"); and constructing an Active Path as a sequence of active links as the user navigates the information structure using the graphical user menu system (e.g., the '836 Accused Instrumentalities construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as the user navigates the information structure using the graphical user menu system including "Automotive," "ADAS and Highly Automated Driving" and "Automotive Radar Systems"), with one said active link corresponding to each of the hierarchical levels accessed by the user (e.g., the '836 Accused Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" corresponds to each of the items selected, including

"Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems"),
said active links providing direct access to one of a function, corresponding level and menu item
without the need to navigate using said graphical user menu system (e.g., the '836 Accused
Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving—
Automotive Radar Systems" corresponds to each of the hierarchical levels accessed by the user,
including "Automotive," "ADAS and Highly Automated Driving ," and "Automotive Radar
Systems," each link providing direct access to one of a function, corresponding level and menu
item without the need to navigate using said graphical user menu system) as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-
driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

105.    Also, in the '836 Accused Instrumentalities, a given said active link enables the
user to browse items of the hierarchical information structure starting from the level
corresponding with the given active link and items on hierarchically subordinate levels without
affecting the Active Path (e.g., the '836 Accused Instrumentalities enable the user to browse
items of the hierarchical information structure starting from "Automotive" and items on
hierarchically subordinate levels such as "ADAS and Highly Automated Driving" and

"Automotive Radar Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

106. On information and belief, the '836 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the '836 Accused Instrumentalities provide pre-defined shortcuts, such as such as those listed in the collapsing menu, enabling direct access to a given menu item); and dynamically constructing the Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the menu items necessary to access said given menu item using said graphical user menu system (e.g., the '836 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") when a pre-defined short-cut is executed (e.g., as "Automotive," "ADAS and Highly Automated Driving," or "Automotive Radar Systems" is executed)), with one said active link corresponding to each of the menu items necessary to access the given menu item using Defendants' graphical user menu system (e.g., the '836 Accused Instrumentalities' active path "Automotive—ADAS

and Highly Automated Driving—Automotive Radar Systems" corresponds to each of the menu items necessary to access the given menu item, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems") as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

107.  On information and belief, in the '836 Accused Instrumentalities, rolling over a selected active link triggers the display of sibling menu items on the hierarchically subordinate levels associated with said selected active link (e.g., the '836 Accused Instrumentalities allow over the link "Automotive" to trigger the display of sibling menu items (e.g., "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking") on the hierarchically subordinate levels associated with the selected active link "Automotive") as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

108.  On information and belief, the '836 Accused Instrumentalities allow selecting a given active link triggers the execution of a function associated with said given active link (e.g.,

selecting a given active link such as "Automotive" triggers the execution of a function, such as displaying sibling menus (e.g., "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking") or directing user to certain content).

109. On information and belief, the '836 Accused Instrumentalities allow selecting a given active link to trigger display of information associated with said given active link (e.g., selecting a given active link such as "Automotive" triggers display of information associated with said given active link, such as displaying sibling menus (e.g., "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking") or directing user to certain content).

110. On information and belief, the multi-level hierarchical information structure is a website (e.g., https://www.nxp.com/).

111. On information and belief, the '836 Accused Instrumentalities provides a method for navigating websites including a plurality of hierarchically organized web pages, including providing a means for navigating the multi-level hierarchical website (e.g., the '836 Accused Instrumentalities provides a graphical user menu system for navigating a multi-level hierarchical website); and dynamically constructing an Active Path as a sequence of active links as the user navigates the multi-level hierarchical website as a sequence of active links as the user navigates the multi-level hierarchical website (e.g., the '836 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving— Automotive Radar Systems") as a sequence of active links as the user navigates the multi-level hierarchical website (e.g., as the user navigates "Automotive," "ADAS and Highly Automated Driving" and "Automotive Radar Systems")), wherein each said active link corresponds to a
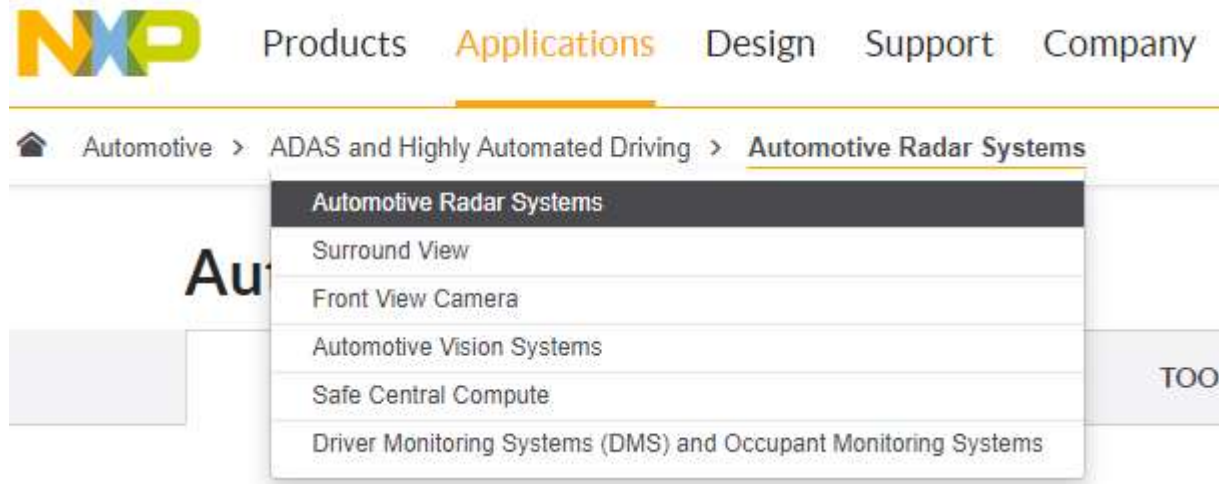
level in the hierarchical structure (e.g., the '836 Accused Instrumentalities' active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" corresponds to each level in the hierarchical structure, including "Automotive," "ADAS and Highly Automated Driving," and "Automotive Radar Systems"), wherein a user may directly access any given level of the hierarchical structure by selecting a given said active link as shown below:
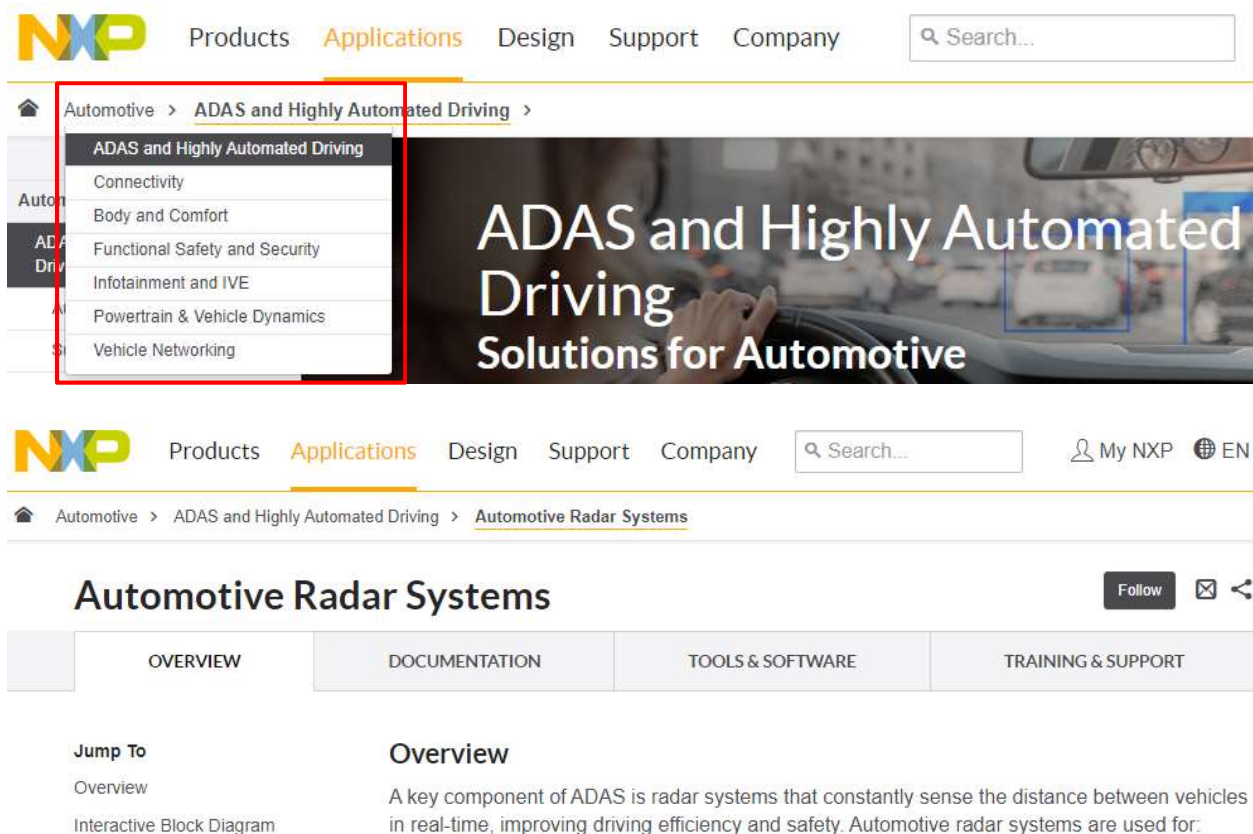


*See, e.g.,* https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated); *see also* https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

112.    Also, each active link provides the user the ability to directly browse items on any given level of the hierarchical menu structure and hierarchically subordinate items without

affecting the Active Path (e.g., the '836 Accused Instrumentalities' active link provides the user the ability to directly browse items on any given level of the hierarchical menu structure and hierarchically subordinate items such as "ADAS and Highly Automated Driving," and "Automotive Radar Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

113. Discovery is expected to uncover the full extent of Defendants' infringement of the '836 Patent beyond the '836 Accused Instrumentalities already identified through public information.

114. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-5 and 7-8 of the '836 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '836 Accused Instrumentalities constitutes direct infringement of at least Claims 1-5 and 7-8 of the '836 Patent.

115.     In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using '836 Accused Instrumentalities.  On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '836 Patent and knowledge that their acts were inducing infringement of the '836 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '836 Patent.

116.     Defendants' acts of inducement include, without limitation: providing the '836 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '836 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '836 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, https://www.nxp.com/company/contact-us:CONTACTUS (providing contact information to address sales regarding the '836 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* https://www.nxp.com/support/support:SUPPORTHOME (providing a customer support service for technical support relating to the '836 Accused Instrumentalities); *see also* https://www.nxp.com/security/login?service=https%3A%2F%2Fwww.nxp.com%2Fidp-auth%2FAuthn%2FExternal%3Fconversation%3De1s1&entityId=https%3A%2F%2Fnxp.my.sal esforce.com%2Fcaseportal (providing a customer support center to create a "help ticket" for any issues (e.g., error messages or disabled functionalities) relating to the '836 Accused

Instrumentalities)); *see also*

https://nxpsemiconductors.secure.force.com/apex/PreChatFormEnglish?endpoint=https%3A%2F%2F5rm2.la1-c2-fra.salesforceliveagent.com%2Fcontent%2Fs%2Fchat%3Flanguage%3Den_US%26org_id%3D00D20000000NBgb%26deployment_id%3D572D0000000TOQq%26sid%3Db1e1edca-67ff-43dd-b4a9-11fac532c89e%23deployment_id%3D572D0000000TOQq%26org_id%3D00D20000000NBgb%26button_id%3D57357000000XZAl%26session_id%3Db1e1edca-67ff-43dd-b4a9-11fac532c89e (creating an online chat room to provide customer support for any issue relating to the '836 Accused Instrumentalities); *see also* https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (encouraging customers and other third parties to use the '836 Accused Instrumentalities to access content published therein (e.g., https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (providing an URL (https://media.nxp.com/) to a "NXP Media Center" webpage that can be accessed using the '836 Accused Instrumentalities); *see also* https://www.facebook.com/nxpsemi/ (encouraging customers and other third parties on social media platforms to use the '836 Accused Instrumentalities to access content published therein (e.g., https://www.facebook.com/nxpsemi/ (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-EXPERIENCE?cid=soc_PRG338958_TAC341444_FB); *see also* https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing content through the '836 Accused Instrumentalities and encouraging customers and other third parties to use the '836 Accused Instrumentalities to access content published therein (e.g., https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing an URL

(https://www.nxp.com/support/support:SUPPORTHOME/) to a "NXP Support Center" webpage that can be accessed using the '836 Accused Instrumentalities)); *see also*

https://investors.nxp.com/financial-information/financial-information-0 (recommending investors and other third parties to use the '836 Accused Instrumentalities to access financial results relating to Defendants' financial information); *see also*

https://www.facebook.com/nxpsemi/,

https://twitter.com/NXP?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor,

and https://www.linkedin.com/company/nxp-semiconductors/ (Defendants' social media accounts promoting the use of '836 Accused Instrumentalities through which various media content can be accessed); *see also* https://media.nxp.com/media-center/press-releases (providing press releases encouraging customers and other third parties to use the '836 Accused Instrumentalities to access content (for example, https://media.nxp.com/news-releases/news-release-details/nxp-accelerates-uwb-based-mobile-payment-innovation-ntt-docomo (providing an URL (https://www.nxp.com/applications/solutions/enabling-technologies/ultra-wideband-uwb:UWB?&tid=vanuwb) to a "Ultra-Wideband ("UWB")" webpage that can be accessed using the '836 Accused Instrumentalities)); and https://blog.nxp.com/ (providing blogs encouraging customers and other third parties to use the '836 Accused Instrumentalities to access content (for example, https://blog.nxp.com/tech-insights/processing/machine-learning-acceleration-the-race-to-the-top-and-the-bottom (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-EXPERIENCE?tid=FSHBNR_20200225) to a "NXP eXperience" webpage that can be accessed using the '836 Accused Instrumentalities)).

117.     Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions it actively

induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the '836 Patent. At the very least, because Defendants have been, and remain, on notice of the '836 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

118. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1-5 and 7-8 of the '836 Patent pursuant to 35 U.S.C. § 271(c) by providing the '836 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '836 Accused Instrumentalities are especially made or adapted for use in an infringement of the '836 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '836 Accused Instrumentalities are material components or apparatuses for use in practicing the '836 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

119. For example, the '836 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s). Defendants supplied, and continue to supply, the '836 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '836 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '836 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products, services, and the '836 Patent that the '836

Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '836 Patent and there is no substantial non-infringing use of the '836 Accused Instrumentalities, or components or apparatuses thereof.

120.    Defendants have directly and indirectly infringed the '836 Patent and are thus liable for infringement of the '836 Patent pursuant to 35 U.S.C. § 271.

121.    Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '836 Patent.

122.    Defendants have continued to infringe the '836 Patent since at least the filing date of this Complaint, despite being on notice of the '836 Patent and their infringement.  Defendants have therefore infringed the '836 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement.  As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

123.    Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case.  Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '836 Accused Instrumentalities infringe the '836 Patent.  Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT V - INFRINGEMENT OF U.S. PATENT NO. 8,352,880**

124.    Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

125.    The '880 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '880 Patent.

126.    The '880 Patent is directed to systems and methods for navigating within a hierarchical menu structure where each level in the menu contains plural items, as described and claimed in the '880 Patent.

127.    Defendants have and continue to directly infringe at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via https://www.nxp.com/ and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating an information structure (hereinafter, the "'880 Accused Instrumentalities") as shown below:
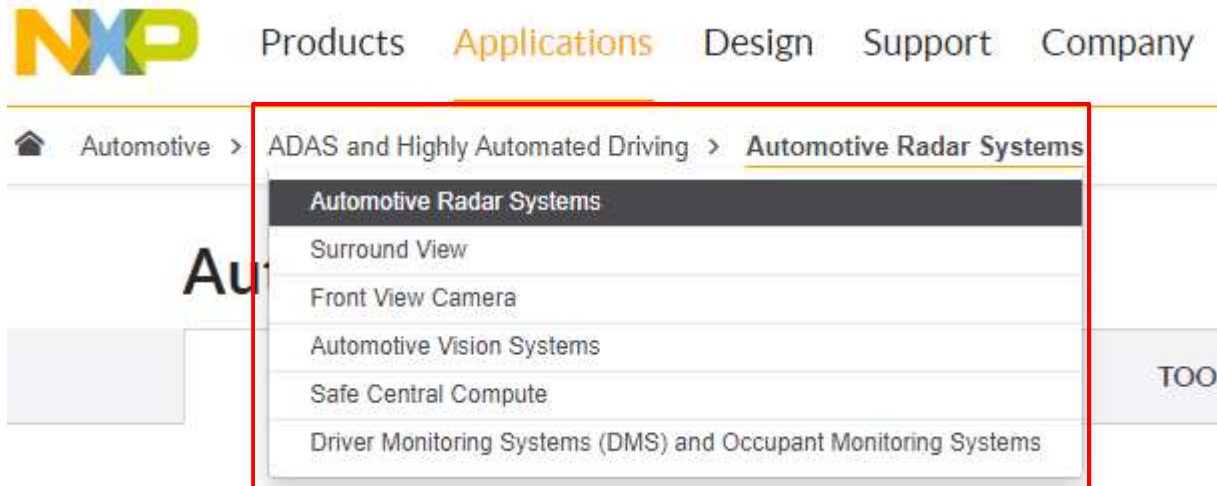
128.    By way of example, the '880 Accused Instrumentalities provide a method for navigating an information structure as shown below:
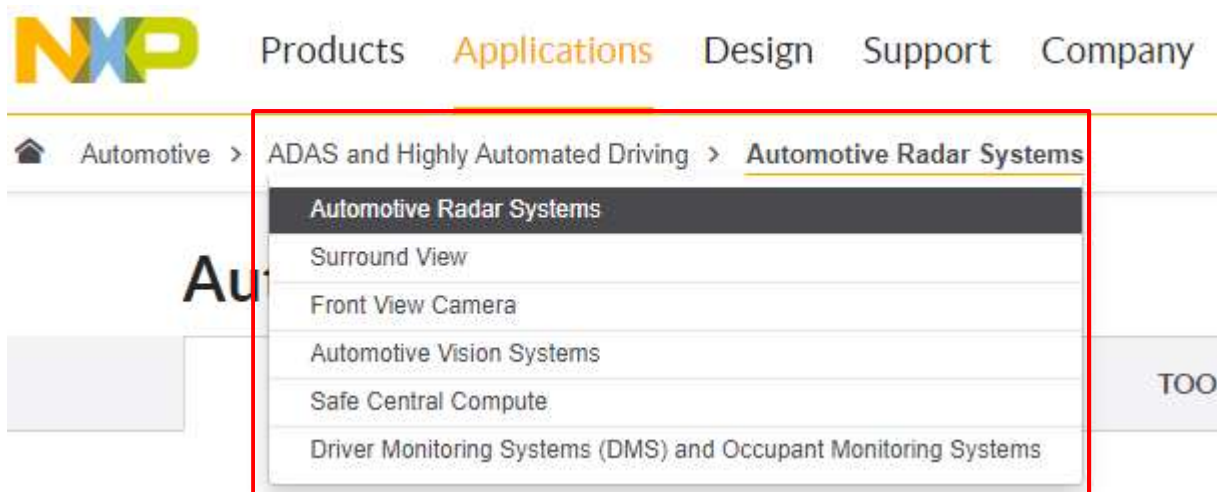
129.    More specifically, the '880 Accused Instrumentalities provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., "ADAS and Highly Automated Driving" displays and enables selection of items of

a given level, such as "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems"); and dynamically constructing an active path as a sequence of active links after an item of the information structure has been selected (e.g., the '880 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of active links after an item of the information structure has been selected (e.g., after "Automotive," "ADAS and Highly Automated Driving" and "Automotive Radar Systems" are selected)); upon provisional selection of any said active link, displaying one or more items on a given level of the information structure without affecting the active path (e.g., the '880 Accused Instrumentalities displays one or more items under "ADAS and Highly Automated Driving" such as "Automotive Radar Systems," "Surround View," "Front View Camera," "Automotive Vision Systems," "Safe Central Compute," and "Driver Monitoring Systems (DMS) and Occupant Monitoring Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:
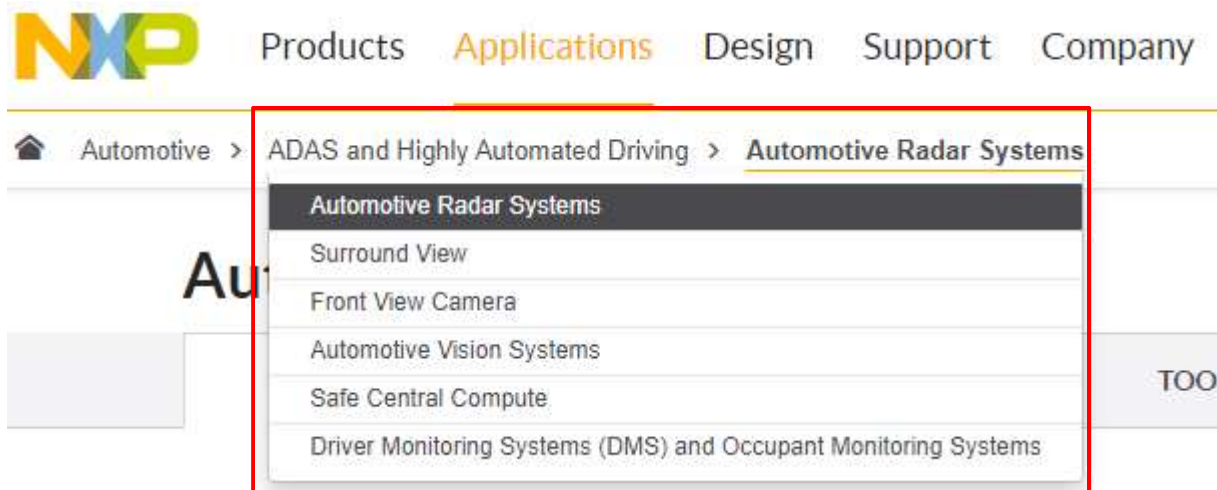
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

130.    Also, the active links allow a user to access an item in the information structure by selecting from the one or more items displayed by one of the active links on the active path (e.g., each link in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allows a user to access an item in the information structure such as "ADAS and Highly Automated Driving" and "Automotive Radar Systems" by selecting from the one or more items displayed by "ADAS and Highly Automated Driving" and "Automotive Radar Systems") as shown below:

131. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over "Automotive" when a pointer is rolled over it) as shown below:

132.     On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over "Automotive" when it is selected) as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

133.     On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., the active link "ADAS and Highly Automated Driving" allows the display of items such as "Automotive Radar Systems" when the "side arrow" icon is selected) as shown below:
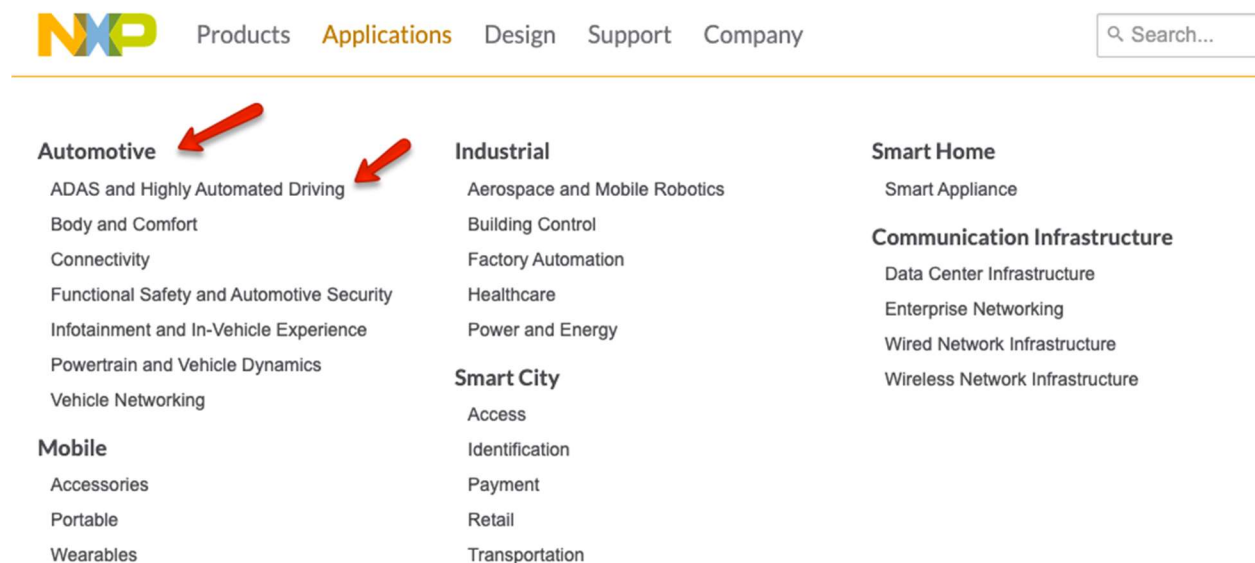
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

134.	On information and belief, in the '880 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., the active link "ADAS and Highly Automated Driving" in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allow the display of "Automotive Radar Systems" without affecting the active path) as shown below:

135.    On information and belief, in the '880 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., a user may directly access the "Automotive Radar Systems" in the "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" active path by selecting the "ADAS and Highly Automated Driving").

136.    On information and belief, in the '880 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., the selection of "ADAS and Highly Automated Driving" causes the active link "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" to truncate to "Automotive—ADAS and Highly Automated Driving").

137.    On information and belief, the '880 Accused Instrumentalities further provide pre-defined shortcuts that enable direct access to a given item in the information structure (e.g., the '880 Accused Instrumentalities provide pre-defined shortcuts such as "ADAS and Highly Automated Driving" or "Automotive Radar Systems" enabling direct access to a given menu
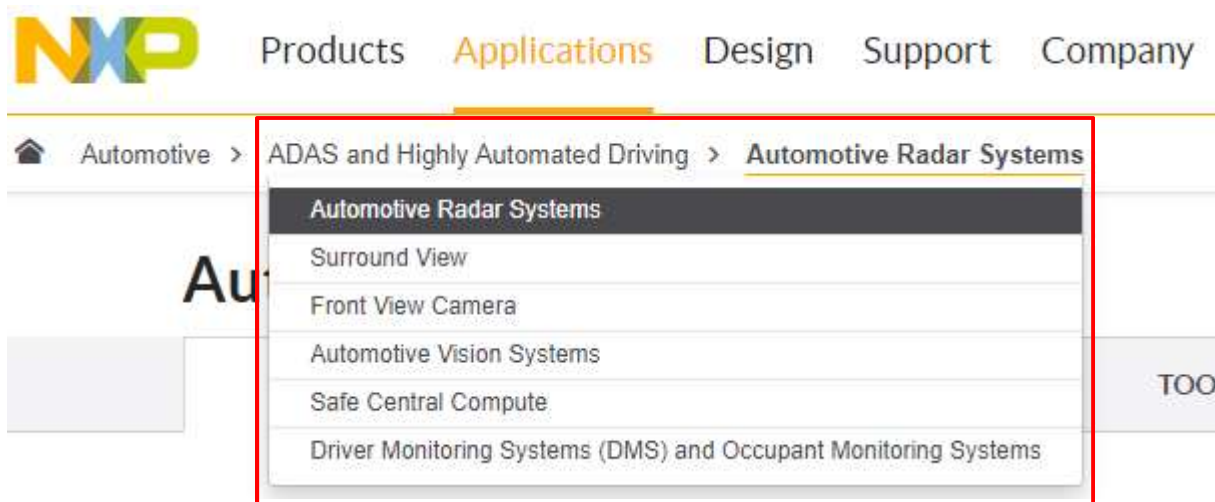
item in the information structure), wherein selection of a predefined shortcut (e.g., "Automotive" or "ADAS and Highly Automated Driving" under the collapsing menu) dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., including one active link "ADAS and Highly Automated Driving" or "Automotive Radar Systems" corresponding to each item necessary to navigate to "ADAS and Highly Automated Driving" or "Automotive Radar Systems" in the information structure) as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

138.    On information and belief, the '880 Accused Instrumentalities include an apparatus for navigating an information structure, the apparatus including a processor configured to: provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., "ADAS and Highly Automated Driving" displays and enables selection of items of a given level, such as "Automotive Radar Systems"); dynamically construct an active path as a sequence of active links after an item of the

information structure has been selected (e.g., the '880 Accused Instrumentalities dynamically

construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—

Automotive Radar Systems") as a sequence of active links after an item of the information

structure has been selected (e.g., as "ADAS and Highly Automated Driving" and "Automotive

Radar Systems" are selected)); upon provisional selection of any said active link, displaying one

or more items on a given level of the information structure without affecting the active path (e.g.,

the '880 Accused Instrumentalities displays one or more items under "ADAS and Highly

Automated Driving" such as "Automotive Radar Systems" without affecting the active path

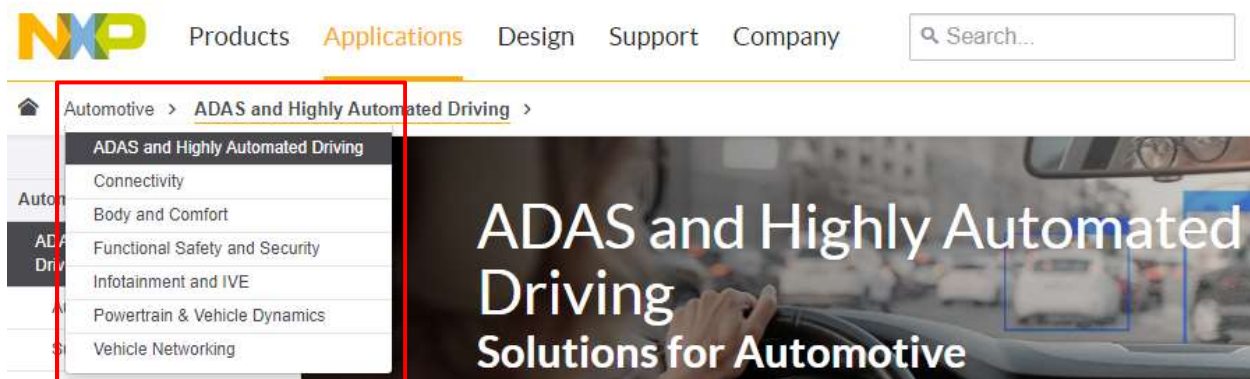"Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown

below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-
driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

139.     On information and belief, in the '880 Accused Instrumentalities allow a user to

access an item in the information structure by selecting the item from the one or more items

displayed by one of the active links on the active path (e.g., each link in the active path

"Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allows a

user to access an item in the information structure such as "ADAS and Highly Automated Driving" and "Automotive Radar Systems" by selecting from the one or more items displayed by "ADAS and Highly Automated Driving" and "Automotive Radar Systems") as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

140. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over the "Automotive" when a pointer is rolled over it) as shown below:
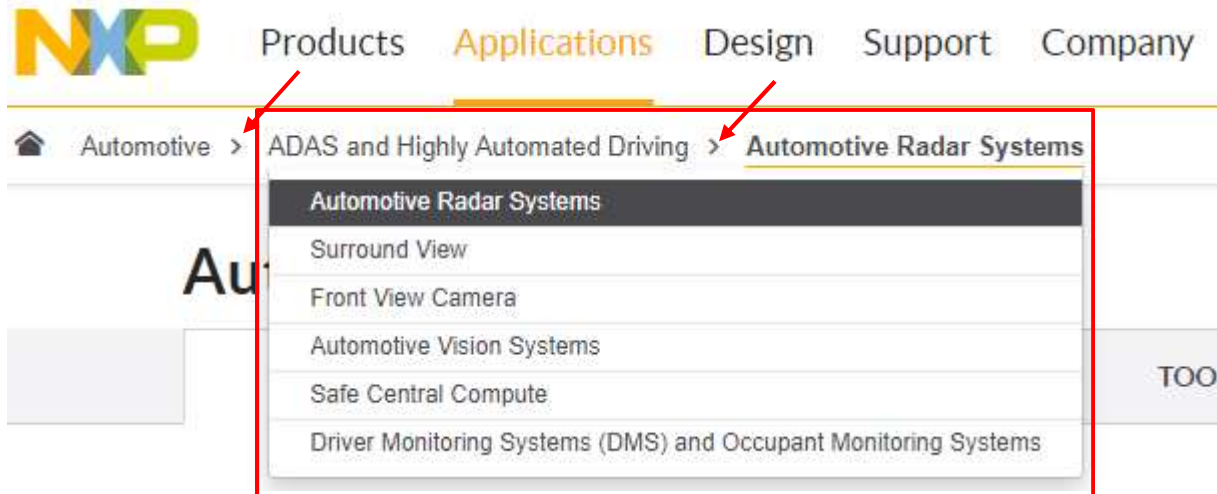
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

141. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over the "Automotive" when it is selected) as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

142. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., the active link "ADAS and Highly Automated Driving" allows the display of items such as "Automotive Radar Systems" when a mouse is rolled over "ADAS and Highly Automated Driving" active link when the "side arrow" icon is selected) as shown below:
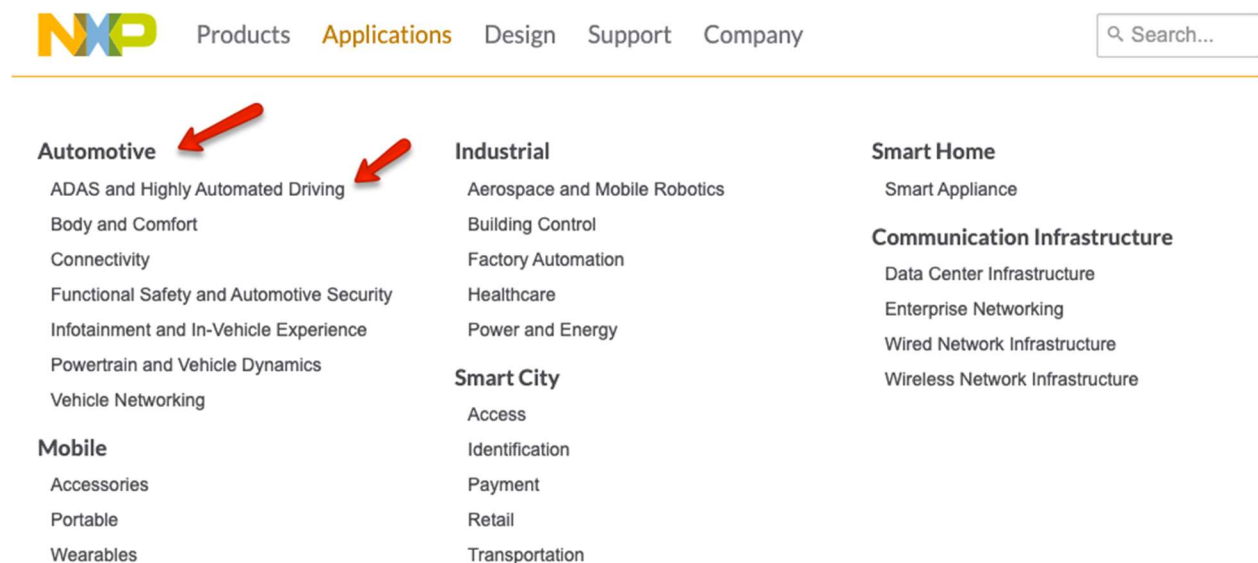
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

143.     On information and belief, in the '880 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., the active link "ADAS and Highly Automated Driving" in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allow the display of "Automotive Radar Systems" without affecting the active path) as shown below:
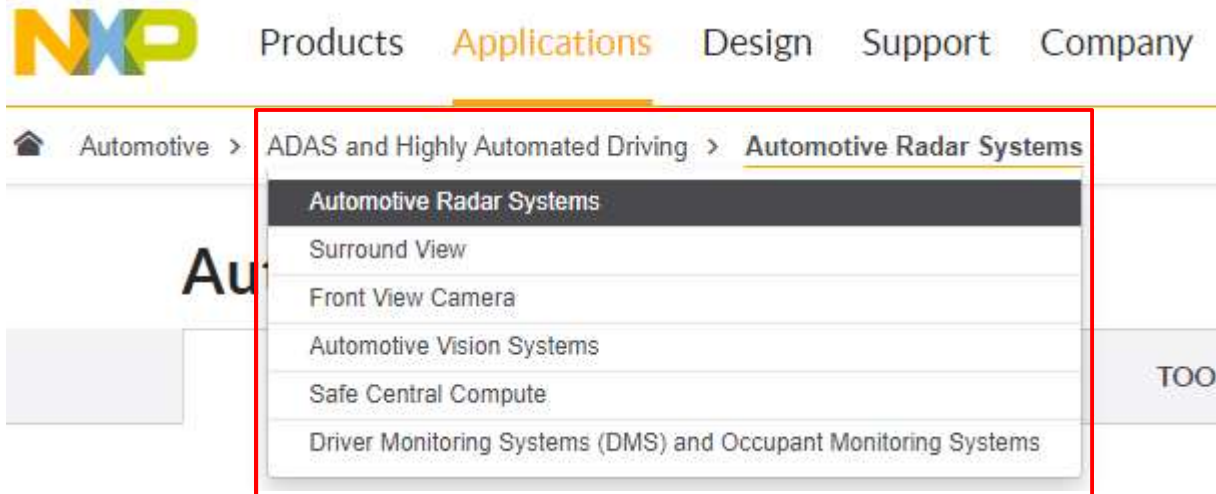
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

144.    On information and belief, in the '880 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., a user may directly access the "Automotive Radar Systems" in the "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" active path by selecting the "ADAS and Highly Automated Driving").

145.    On information and belief, in the '880 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., the selection of "ADAS and Highly Automated Driving" causes the active link "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" to truncate to "Automotive—ADAS and Highly Automated Driving").

146.    On information and belief, the '880 Accused Instrumentalities are further configured to provide pre-defined shortcuts to enable access to a given item in the information structure (e.g., the '880 Accused Instrumentalities provide pre-defined shortcuts such as "ADAS and Highly Automated Driving" or "Automotive Radar Systems" enabling direct access to a

given menu item in the information structure ), wherein selection of a pre-defined shortcut (e.g., "Automotive" or "ADAS and Highly Automated Driving" under the collapsing menu) dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., including one active link "ADAS and Highly Automated Driving" or "Automotive Radar Systems" corresponding to each item necessary to navigate to "ADAS and Highly Automated Driving" or "Automotive Radar Systems" in the information structure) as shown below:



*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

147. On information and belief, in the '880 Accused Instrumentalities, two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

148. On information and belief, in the '880 Accused Instrumentalities, execution of said functions is initiated by selecting different portions of said at least one of active link (e.g.,

by selecting "Automotive Radar Systems" of the active link "ADAS and Highly Automated Driving" to display sibling menus or direct user to certain content, respectively).

149. On information and belief, in the '880 Accused Instrumentalities, at least two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

150. Discovery is expected to uncover the full extent of Defendants' infringement of the '880 Patent beyond the '880 Accused Instrumentalities already identified through public information.

151. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '880 Accused Instrumentalities constitutes direct infringement of at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent.

152. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising and providing instructions on using the '880 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '880 Patent and knowledge that their acts were inducing infringement of the '880 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '880 Patent.

153.     Defendants' acts of inducement include, without limitation: providing the '880

Accused Instrumentalities to their new, current, and prospective users, partners, and customers,

and other third parties and intending them to use the '880 Accused Instrumentalities that enable

and/or make use of content published therein; encouraging customers and other third parties to

communicate directly with Defendants' representatives about the '880 Accused Instrumentalities

and content published therein for purposes of technical assistance as well as sales and marketing

(*see, e.g.*, https://www.nxp.com/company/contact-us:CONTACTUS (providing contact

information to address sales regarding the '880 Accused Instrumentalities); *see also id.*

(providing a messaging platform for communicating same); *see also*

https://www.nxp.com/support/support:SUPPORTHOME (providing a customer support service

for technical support relating to the '880 Accused Instrumentalities); *see also*

https://www.nxp.com/security/login?service=https%3A%2F%2Fwww.nxp.com%2Fidp-
auth%2FAuthn%2FExternal%3Fconversation%3De1s1&entityId=https%3A%2F%2Fnxp.my.sal
esforce.com%2Fcaseportal (providing a customer support center to create a "help ticket" for any

issues (e.g., error messages or disabled functionalities) relating to the '880 Accused

Instrumentalities)); *see also*

https://nxpsemiconductors.secure.force.com/apex/PreChatFormEnglish?endpoint=https%3A%2F
%2F5rm2.la1-c2-
fra.salesforceliveagent.com%2Fcontent%2Fs%2Fchat%3Flanguage%3Den_US%26org_id%3D0
0D20000000NBgb%26deployment_id%3D572D0000000TOQq%26sid%3Db1e1edca-67ff-
43dd-b4a9-
11fac532c89e%23deployment_id%3D572D0000000TOQq%26org_id%3D00D20000000NBgb
%26button_id%3D57357000000XZAl%26session_id%3Db1e1edca-67ff-43dd-b4a9-

11fac532c89e (creating an online chat room to provide customer support for any issue relating to the '880 Accused Instrumentalities); *see also* https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (encouraging customers and other third parties to use the '880 Accused Instrumentalities to access content published therein (e.g., https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (providing an URL (https://media.nxp.com/) to a "NXP Media Center" webpage that can be accessed using the '880 Accused Instrumentalities); *see also* https://www.facebook.com/nxpsemi/ (encouraging customers and other third parties on social media platforms to use the '880 Accused Instrumentalities to access content published therein (e.g., https://www.facebook.com/nxpsemi/ (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-EXPERIENCE?cid=soc_PRG338958_TAC341444_FB); *see also* https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing content through the '880 Accused Instrumentalities and encouraging customers and other third parties to use the '880 Accused Instrumentalities to access content published therein (e.g., https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing an URL (https://www.nxp.com/support/support:SUPPORTHOME/) to a "NXP Support Center" webpage that can be accessed using the '880 Accused Instrumentalities)); *see also* https://investors.nxp.com/financial-information/financial-information-0 (recommending investors and other third parties to use the '880 Accused Instrumentalities to access financial results relating to Defendants' financial information); *see also* https://www.facebook.com/nxpsemi/, https://twitter.com/NXP?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor, and https://www.linkedin.com/company/nxp-semiconductors/ (Defendants' social media

accounts promoting the use of '880 Accused Instrumentalities through which various media content can be accessed); *see also* https://media.nxp.com/media-center/press-releases (providing press releases encouraging customers and other third parties to use the '880 Accused Instrumentalities to access content (for example, https://media.nxp.com/news-releases/news-release-details/nxp-accelerates-uwb-based-mobile-payment-innovation-ntt-docomo (providing an URL (https://www.nxp.com/applications/solutions/enabling-technologies/ultra-wideband-uwb:UWB?&tid=vanuwb) to a "Ultra-Wideband ("UWB") webpage that can be accessed using the '880 Accused Instrumentalities)); and https://blog.nxp.com/ (providing blogs encouraging customers and other third parties to use the '880 Accused Instrumentalities to access content (for example, https://blog.nxp.com/tech-insights/processing/machine-learning-acceleration-the-race-to-the-top-and-the-bottom (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-EXPERIENCE?tid=FSHBNR_20200225) to a "NXP eXperience" webpage that can be accessed using the '880 Accused Instrumentalities)).

154.    Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions it actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the '880 Patent.  At the very least, because Defendants have been, and remain, on notice of the '880 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

155.    On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent pursuant to 35 U.S.C. § 271(c) by providing the '880 Accused Instrumentalities that have contributed, and

continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '880 Accused Instrumentalities are especially made or adapted for use in an infringement of the '880 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '880 Accused Instrumentalities are material components or apparatuses for use in practicing the '880 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

156. For example, the '880 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating an information structure and enabling selection according to the claimed invention(s). Defendants supplied, and continue to supply, the '880 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '880 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '880 Patent. Moreover, Defendants know at least b by virtue of their knowledge of their own products, services, and the '880 Patent that the '880 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '880 Patent and there is no substantial non-infringing use of the '880 Accused Instrumentalities, or components or apparatuses thereof.

157. Defendants have directly and indirectly infringed the '880 Patent and are thus liable for infringement of the '880 Patent pursuant to 35 U.S.C. § 271.

158. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '880 Patent.

159. Defendants have continued to infringe the '880 Patent since at least the filing date of this Complaint, despite being on notice of the '880 Patent and their infringement. Defendants have therefore infringed the '880 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

160. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '880 Accused Instrumentalities infringe the '880 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.
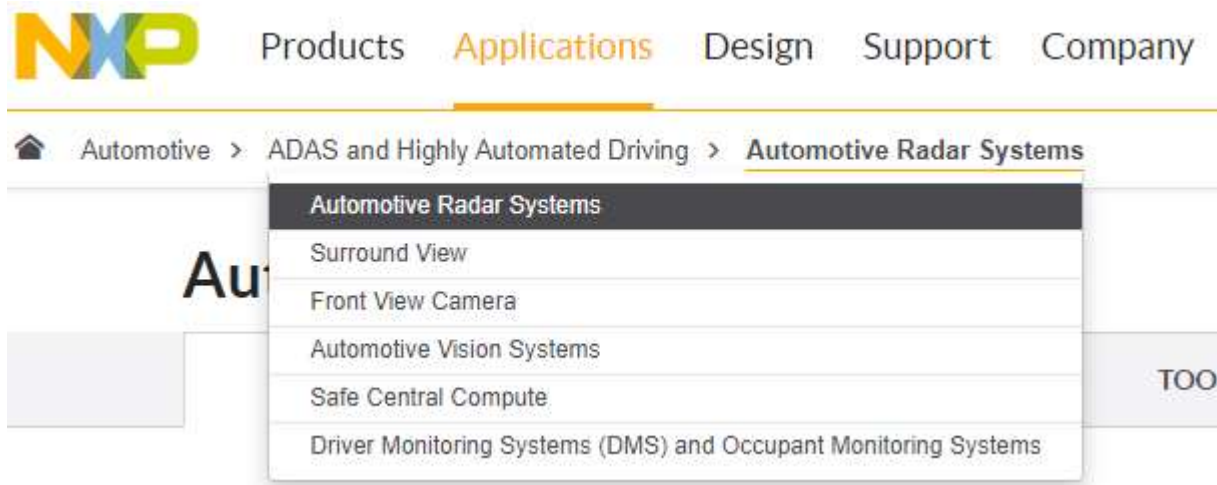
## COUNT VI - INFRINGEMENT OF U.S. PATENT NO. 10,037,127

161. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

162. The '127 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '880 Patent.

163. The '127 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '127 Patent.

Defendants have and continue to directly infringe at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via https://www.nxp.com/ and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating an information structure (hereinafter, the "'127 Accused Instrumentalities") as shown below
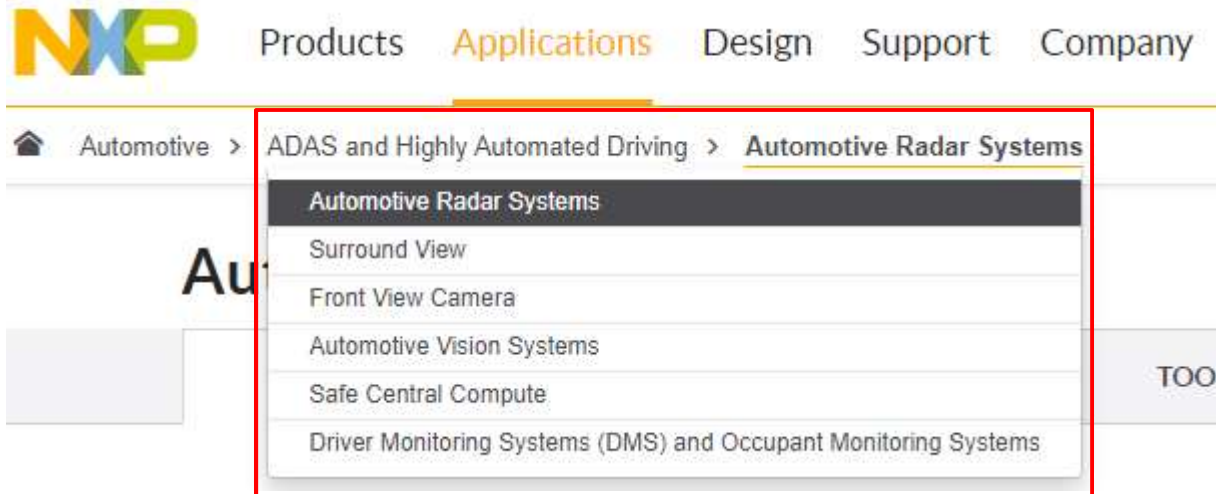


*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

164.    By way of example, the '127 Accused Instrumentalities provide an apparatus for navigating an information structure as shown below:
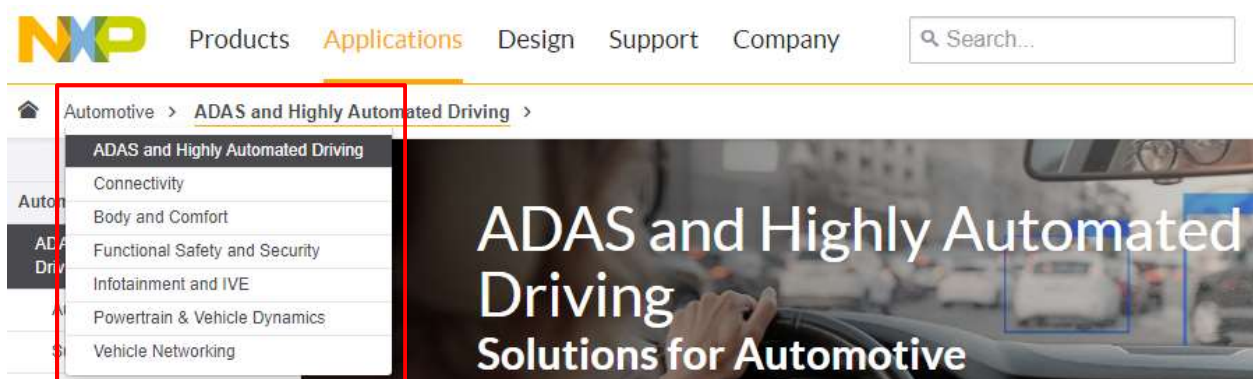
*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

165.    More specifically, the '127 Accused Instrumentalities provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., "ADAS and Highly Automated Driving" displays and enables selection of items of a given level, such as "Automotive Radar Systems"); dynamically construct an active path as a sequence of active links after an item of the information structure has been selected (e.g., the '127 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of active links after an item of the information structure has been selected (e.g., as "Automotive," "ADAS and Highly Automated Driving" and "Automotive Radar Systems" are selected)); upon provisional selection of any said active link, displaying one or more items on a given level of the information structure without affecting the active path (e.g., the '127 Accused Instrumentalities displays one or more items under "ADAS and Highly Automated Driving" such as "Automotive Radar Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

166.     Also, the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., each link in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allows a user to access an item in the information structure such as "ADAS and Highly Automated Driving" and "Automotive Radar Systems" by selecting from the one or more items displayed by "ADAS and Highly Automated Driving" and "Automotive Radar Systems" where at least one of the active links is associated with a function such as displaying sibling menus or directing user to certain content) as shown below:
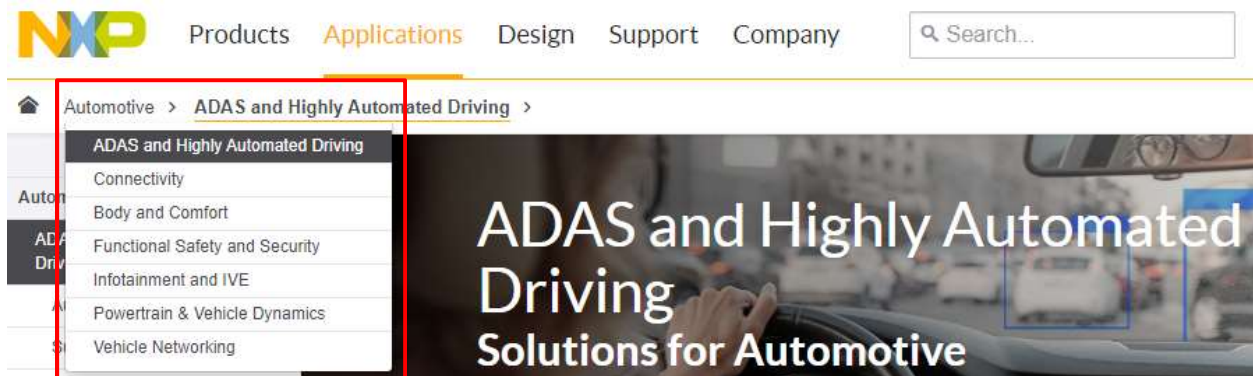
See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

167. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over the "Automotive" when a pointer is rolled it) as shown below:



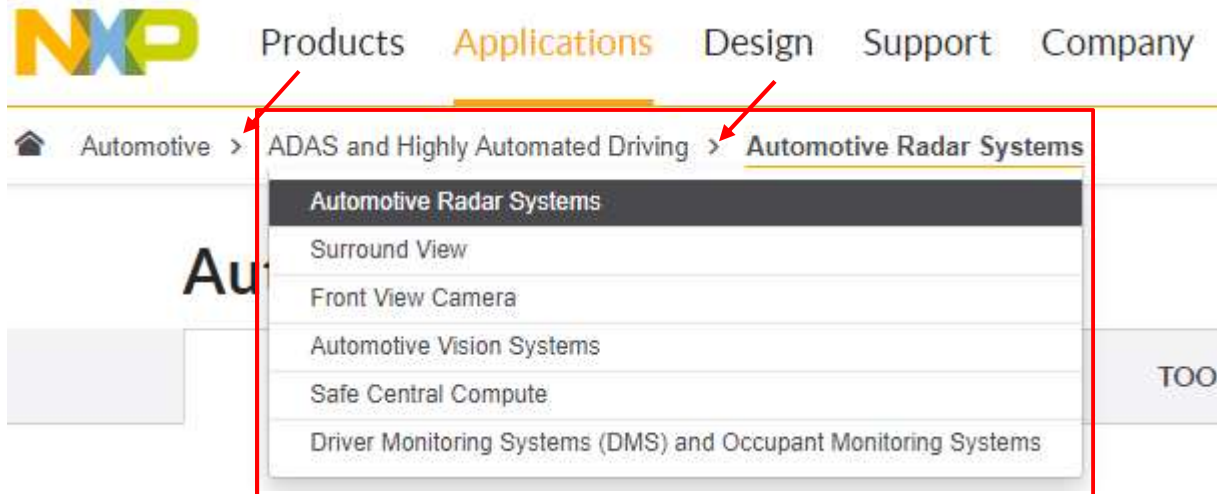See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

168. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over the "Automotive" when it is selected) as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

169. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., the active link "ADAS and Highly Automated Driving" allows the display of items such as "Automotive Radar Systems" when a mouse is rolled over "ADAS and Highly Automated Driving" active link when the "side arrow" icon is selected) as shown below:

See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

170. On information and belief, in the '127 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., the active link "ADAS and Highly Automated Driving" in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allow the display of "Automotive Radar Systems" without affecting the active path) as shown below:
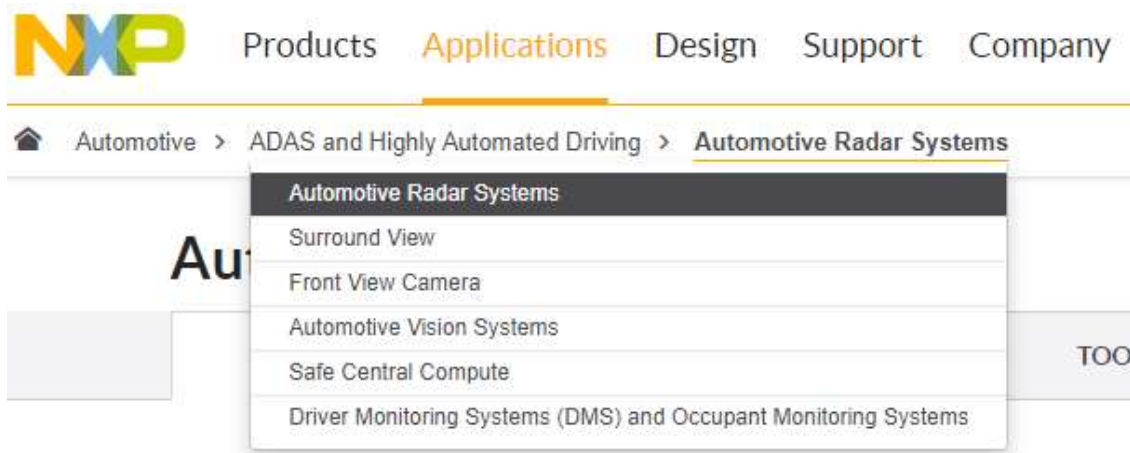


See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020).

171.     On information and belief, in the '127 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., a user may directly access the "Automotive Radar Systems" in the "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" active path by selecting the "ADAS and Highly Automated Driving").

172.     On information and belief, in the '127 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., the selection of "ADAS and Highly Automated Driving" causes the active link "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" to truncate to "Automotive—ADAS and Highly Automated Driving").

173.     On information and belief, the '127 Accused Instrumentalities further provide pre-defined shortcuts to enable access to a given item in the information structure (e.g., the '127 Accused Instrumentalities provide pre-defined shortcuts such as "ADAS and Highly Automated Driving" or "Automotive Radar Systems" enabling direct access to a given menu item in the information structure), wherein selection of a pre-defined shortcut (e.g., "Automotive" or "ADAS and Highly Automated Driving" under the collapsing menu) dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., including one active link "ADAS and Highly Automated Driving" or "Automotive Radar Systems" corresponding to each item necessary to navigate to "ADAS and Highly Automated Driving" or "Automotive Radar Systems" in the information structure) as shown below:

*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).

174.    On information and belief, in the '127 Accused Instrumentalities, two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

175.    On information and belief, in the '127 Accused Instrumentalities, execution of said functions is initiated by selecting different portions of said at least one of active link (e.g., by selecting "Automotive Radar Systems" of the active link "ADAS and Highly Automated Driving" to display sibling menus or direct user to certain content, respectively).

176.    On information and belief, in the '127 Accused Instrumentalities, at least two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

177.    On information and belief, the '127 Accused Instrumentalities perform a method for navigating an information structure, comprising providing a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof

(e.g., "ADAS and Highly Automated Driving" displays and enables selection of items of a given level, such as "Automotive Radar Systems"); dynamically construct an active path as a sequence of active links after an item of the information structure has been selected (e.g., the '127 Accused Instrumentalities dynamically construct an active path (e.g., "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as a sequence of active links after an item of the information structure has been selected (e.g., as "Automotive," "ADAS and Highly Automated Driving" and "Automotive Radar Systems" are selected)); upon provisional selection of any said active link, displaying one or more items on a given level of the information structure without affecting the active path (e.g., the '127 Accused Instrumentalities displays one or more items under "ADAS and Highly Automated Driving" such as "Automotive Radar Systems" without affecting the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems") as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

178. On information and belief, in the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items

displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., each link in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allows a user to access an item in the information structure such as "ADAS and Highly Automated Driving" and "Automotive Radar Systems" by selecting from the one or more items displayed by "ADAS and Highly Automated Driving" and "Automotive Radar Systems" where at least one of the active links is associated with a function such as displaying sibling menus or directing user to certain content) as shown below:
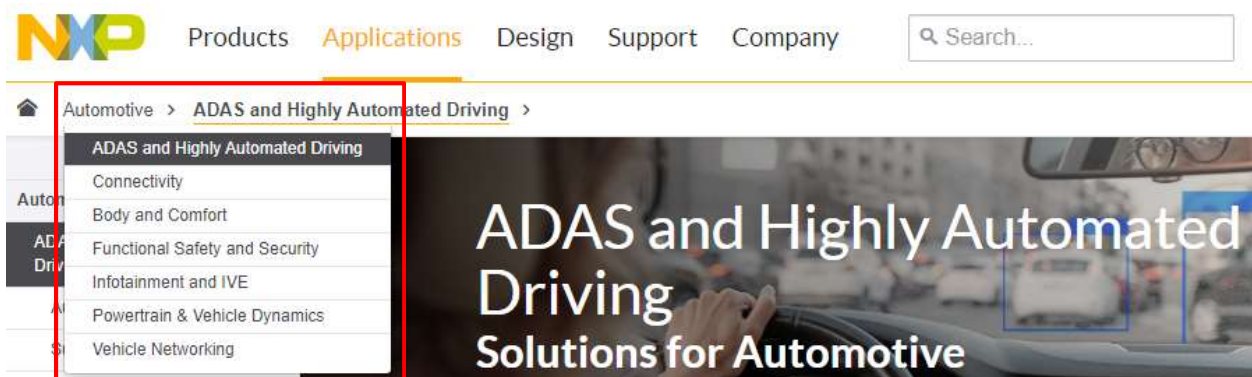


*See, e.g.*, https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

179. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over the "Automotive" when a pointer is rolled over it) as shown below:

See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).
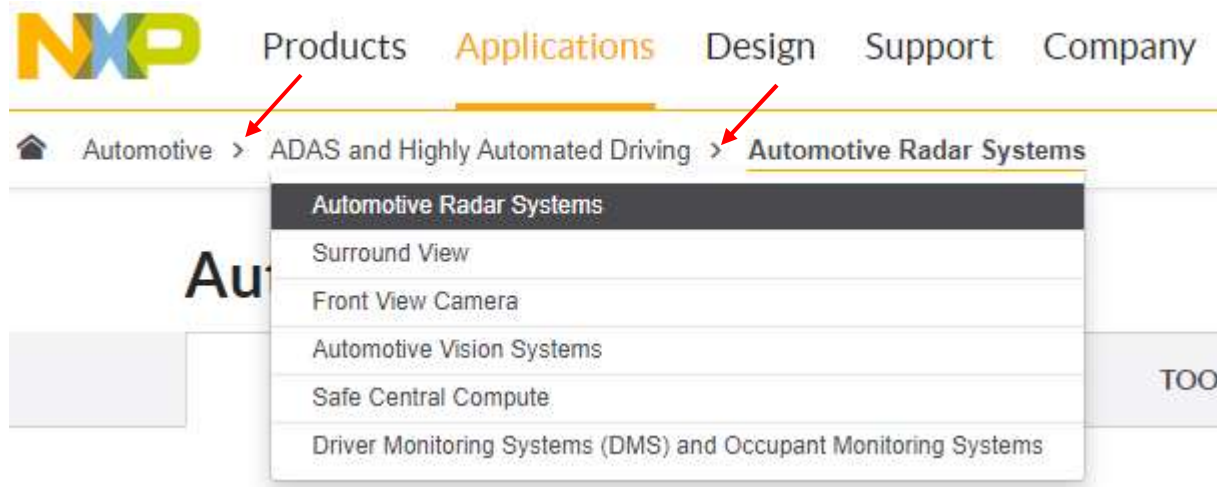
180.    On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., the active link "Automotive" allows the display of items such as "ADAS and Highly Automated Driving," "Connectivity," "Body and Comfort," "Functional Safety and Security," "Infotainment and IVE," and "Vehicle Networking" when a mouse is rolled over the "Automotive" when it is selected) as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving:ADAS-AND-AUTONOMOUS-DRIVING (last visited Feb. 10, 2020) (annotated).
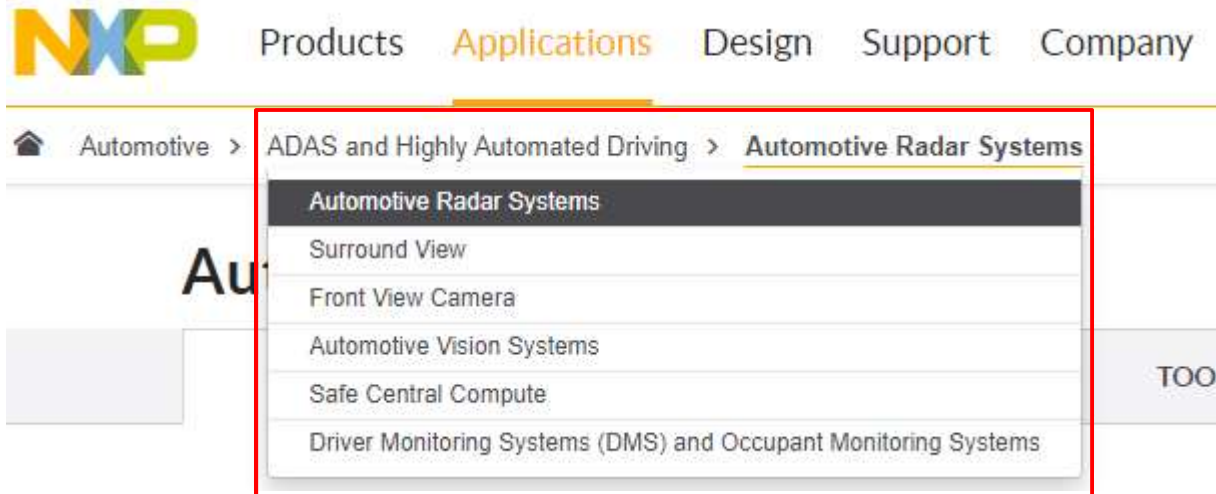
181.    On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure

when a visual icon associated with one of the active links is selected (e.g., the active link "ADAS and Highly Automated Driving" allows the display of items such as "Automotive Radar Systems" when the "side arrow" icon is selected) as shown below:



See, e.g., https://www.nxp.com/applications/solutions/automotive/adas-and-highly-automated-driving/automotive-radar-systems:RADAR-SYSTEMS (last visited Feb. 10, 2020) (annotated).

182.    On information and belief, in the '127 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., the active link "ADAS and Highly Automated Driving" in the active path "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" allow the display of "Automotive Radar Systems" without affecting the active path) as shown below:

183.　On information and belief, in the '127 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., a user may directly access the "Automotive Radar Systems" in the "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" active path by selecting "Automotive Radar Systems").

184.　On information and belief, in the '127 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., the selection of "ADAS and Highly Automated Driving" causes the active link "Automotive—ADAS and Highly Automated Driving—Automotive Radar Systems" to truncate to "Automotive—ADAS and Highly Automated Driving").

185.　On information and belief, the '127 Accused Instrumentalities are further configured to provide pre-defined shortcuts to enable access to a given item in the information structure (e.g., the '127 Accused Instrumentalities provide pre-defined shortcuts such as "ADAS and Highly Automated Driving" or "Automotive Radar Systems" enabling direct access to a

given menu item in the information structure ), wherein selection of a pre-defined shortcut (e.g., "Automotive" or "ADAS and Highly Automated Driving" under the collapsing menu) dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., the active path is constructed upon selection of a predefined shortcut "ADAS and Highly Automated Driving" or "Automotive Radar Systems," including one active link "ADAS and Highly Automated Driving" or "Automotive Radar Systems" corresponding to each item necessary to navigate to "ADAS and Highly Automated Driving" or "Automotive Radar Systems" in the information structure).

186.    On information and belief, in the '127 Accused Instrumentalities, two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

187.    On information and belief, in the '127 Accused Instrumentalities, execution of said functions is initiated by selecting different portions of said at least one of active link (e.g., by selecting "Automotive Radar Systems" of the active link "ADAS and Highly Automated Driving" to display sibling menus or direct user to certain content, respectively).

188.    On information and belief, in the '127 Accused Instrumentalities, at least two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

189.    Discovery is expected to uncover the full extent of Defendants' infringement of the '127 Patent beyond the '127 Accused Instrumentalities already identified through public information.

190.    Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent under 35 U.S.C.

§ 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '127 Accused Instrumentalities constitutes direct infringement of at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent.

191. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising and providing instructions on using the '127 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '127 Patent and knowledge that their acts were inducing infringement of the '127 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '127 Patent.

192. Defendants' acts of inducement include, without limitation: providing the '127 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '127 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '127 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, https://www.nxp.com/company/contact-us:CONTACTUS (providing contact information to address sales regarding the '127 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* https://www.nxp.com/support/support:SUPPORTHOME (providing a customer support service

for technical support relating to the '127 Accused Instrumentalities); *see also*

https://www.nxp.com/security/login?service=https%3A%2F%2Fwww.nxp.com%2Fidp-auth%2FAuthn%2FExternal%3Fconversation%3De1s1&entityId=https%3A%2F%2Fnxp.my.salesforce.com%2Fcaseportal (providing a customer support center to create a "help ticket" for any issues (e.g., error messages or disabled functionalities) relating to the '127 Accused Instrumentalities)); *see also*

https://nxpsemiconductors.secure.force.com/apex/PreChatFormEnglish?endpoint=https%3A%2F%2F5rm2.la1-c2-fra.salesforceliveagent.com%2Fcontent%2Fs%2Fchat%3Flanguage%3Den_US%26org_id%3D00D20000000NBgb%26deployment_id%3D572D0000000TOQq%26sid%3Db1e1edca-67ff-43dd-b4a9-11fac532c89e%23deployment_id%3D572D0000000TOQq%26org_id%3D00D20000000NBgb%26button_id%3D57357000000XZAl%26session_id%3Db1e1edca-67ff-43dd-b4a9-11fac532c89e (creating an online chat room to provide customer support for any issue relating to the '127 Accused Instrumentalities); *see also* https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (encouraging customers and other third parties to use the '127 Accused Instrumentalities to access content published therein (e.g., https://www.nxp.com/support/support/report-product-security-vulnerabilities:PSIRT (providing an URL (https://media.nxp.com/) to a "NXP Media Center" webpage that can be accessed using the '127 Accused Instrumentalities); *see also* https://www.facebook.com/nxpsemi/ (encouraging customers and other third parties on social media platforms to use the '836 Accused Instrumentalities to access content published therein (e.g., https://www.facebook.com/nxpsemi/ (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-

EXPERIENCE?cid=soc_PRG338958_TAC341444_FB); *see also*

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing content through the

'127 Accused Instrumentalities and encouraging customers and other third parties to use the '127

Accused Instrumentalities to access content published therein (e.g.,

https://www.nxp.com/docs/en/white-paper/AUTOSECWP.pdf (providing an URL

(https://www.nxp.com/support/support:SUPPORTHOME/) to a "NXP Support Center" webpage

that can be accessed using the '127 Accused Instrumentalities)); *see also*

https://investors.nxp.com/financial-information/financial-information-0 (recommending

investors and other third parties to use the '127 Accused Instrumentalities to access financial

results relating to Defendants' financial information); *see also*

https://www.facebook.com/nxpsemi/,

https://twitter.com/NXP?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor,

and https://www.linkedin.com/company/nxp-semiconductors/ (Defendants' social media

accounts promoting the use of '127 Accused Instrumentalities through which various media

content can be accessed); *see also* https://media.nxp.com/media-center/press-releases (providing

press releases encouraging customers and other third parties to use the '127 Accused

Instrumentalities to access content (for example, https://media.nxp.com/news-releases/news-

release-details/nxp-accelerates-uwb-based-mobile-payment-innovation-ntt-docomo (providing an

URL (https://www.nxp.com/applications/solutions/enabling-technologies/ultra-wideband-

uwb:UWB?&tid=vanuwb) to a "Ultra-Wideband ("UWB") webpage that can be accessed using

the '127 Accused Instrumentalities)); and https://blog.nxp.com/ (providing blogs encouraging

customers and other third parties to use the '127 Accused Instrumentalities to access content (for

example, https://blog.nxp.com/tech-insights/processing/machine-learning-acceleration-the-race-

to-the-top-and-the-bottom (providing an URL (https://www.nxp.com/company/events/nxp-experience:NXP-EXPERIENCE?tid=FSHBNR_20200225) to a "NXP eXperience" webpage that can be accessed using the '127 Accused Instrumentalities)).

193.    Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions it actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the '127 Patent.  At the very least, because Defendants have been, and remain, on notice of the '127 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

194.    On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent pursuant to 35 U.S.C. § 271(c) by providing the '127 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '127 Accused Instrumentalities are especially made or adapted for use in an infringement of the '127 Patent.  For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment.  The '127 Accused Instrumentalities are material components or apparatuses for use in practicing the '127 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

195.    For example, the '127 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating

an information structure and enabling selection according to the claimed invention(s). Defendants supplied, and continue to supply, the '127 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '127 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '127 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products, services, and the '127 Patent that the '127 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '127 Patent and there is no substantial non-infringing use of the '127 Accused Instrumentalities, or components or apparatuses thereof.

196. Defendants have directly and indirectly infringed the '127 Patent and are thus liable for infringement of the '127 Patent pursuant to 35 U.S.C. § 271.

197. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '127 Patent.

198. Defendants have continued to infringe the '127 Patent since at least the filing date of this Complaint, despite being on notice of the '127 Patent and their infringement. Defendants have therefore infringed the '127 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

199. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '127 Accused

Instrumentalities infringe the '127 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment for themselves and against Defendant as follows:

a.      A judgment that Defendants have infringed, and continue to infringe, one or more claims of each of the Asserted Patents;

b.      A judgment that Defendants have induced infringement, and continue to induce infringement, of one or more claims of each of the Asserted Patents;

c.      A judgment that Defendants have contributed to, and continue to contribute, to the infringement of one or more claims of each of the Asserted Patents;

d.      A judgment that Defendants have willfully infringed one or more claims of each of the Asserted Patents;

e.      A judgment awarding Plaintiffs all damages adequate to compensate for Defendants' infringement, and in no event less than a reasonable royalty for Defendants' acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate allowed by law;

f.      A judgment awarding Plaintiffs treble damages pursuant to 35 U.S.C. § 284 as a result of Defendants' willful conduct;

g.      A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Plaintiffs their reasonable attorneys' fees; and

h.     A judgment awarding Plaintiffs such other relief as the Court may deem just and equitable.

## DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury of this action.

Dated: March 27, 2020                  DEVLIN LAW FIRM LLC

*/s/ Alex Chan*
Timothy Devlin
tdevlin@devlinlawfirm.com
Alex Chan
Texas State Bar No. 24108051
achan@devlinlawfirm.com
1526 Gilpin Ave.
Wilmington, Delaware 19806
Telephone: (302) 449-9010
Facsimile: (302) 353-4251

*Attorneys for Plaintiffs,*
*Caddo Systems, Inc. and 511 Technologies, Inc.*